California Journal

A MONTHLY DIGEST OF STATE GOVERNMENT AND POLITICS

LEGISLATURE

Session End Nears

EXECUTIVE BRANCH

Welfare and Medi-Cal

INTERVIEW

Health Care Director

BENCH AND BAR

Two-thirds Vote Upset

FEATURE

Cities Revenue Crisis

July 1970 in Review

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Editor's Note

With adjournment of the Legislature about two weeks away, *California Journal* focuses more than usual attention on legislative developments, perhaps at the expense of other areas of government. Future issues will restore the balance.

* * *

Recently a minister in Southern California returned to us a promotional letter we had sent him. In the letter we had described the *Journal* as an "unbiased source." He had circled the words and written, "There is no such thing as an unbiased source. You are either terribly naive or a fraud."

He is right of course, not necessarily that we are naive or frauds, but that we are not "unbiased." The fact that we think that California government is worth covering in a serious way is indicative of just one of our biases.

What we should have said in the promotional piece is that we attempt to provide fair coverage of events; we try not to inject personal political preferences into articles; we strive to avoid editorializing in factual reporting and analysis.

Certainly the selection of articles, the emphasis placed on particular facts, and the analysis of issues may reveal bias. But it is our intent to provide, to the fullest extent possible, information which the reader may use to draw his own conclusions.

Some measure of our success can be derived from the fact that we have received one or two letters charging us with being a front for the Governor, and like number have called us liberal apologists.

We may not write the best promotional letters, but we're not frauds. Our rebuttal is on the pages of each issue of the *Journal*. We have sought fairness and objectivity. You judge if we have achieved an acceptable level of those rare commodities.

TABLE OF CONTENTS

Legislature 183
Budget 184
Education 192
Executive 193
Welfare Changes 194
Medi-Cal 195
Interview: Earl W. Brian 198
Third House 200
Bench & Bar 202
Feature: Local Government Revenue Crisis 203
California Calendar 204
People in the News 204
Letter from Washington 205
State Government Reports 206
Politics: Congressional Races 207
Voting Records 208

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1108 O Street, Sacramento, California 95814
916/444-2840

EDITOR

Thomas R. Hoeber

ASSOCIATE EDITORS

Judson Clark ..... Executive Departments
Jerome Evans ... Education and Fiscal Affairs
Victor H. Fazio ..... Legislature and Politics
William Geyer ..... Agriculture and Resources

Assistant Editors: Ann B. Jenkins, Beverly W. Lane
Washington Correspondent: Lou Cannon
Counsel: Conrad Klein
Business Secretary: Jackie Timmons
Assistant to the Editor: Shirley Biondi
Subscription Manager: Gay Clark

Southern California Representative

Robert Ramsay
750 S. Golden West Avenue
Arcadia, California 91006
213-446-8316 (Evenings)

Information Service

Victor H. Fazio, Director
G.L. Sherwood, Assistant

ADVISORY COMMITTEE

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LEGISLATURE

Major Penal Reform is Dead

Launched with all the hoopla of a ship christening, penal reform legislation authored by the Assembly Select Committee on Criminal Justice this year appears to be sinking quietly beneath the waves. A major restructuring of the parole system when it was introduced on March 30th, AB 1511 will now be amended to eliminate most of the key proposals in order to gain Senate approval, or will be dropped if the required amendments are considered too extensive.

The basis for the bill, a report issued by the committee and subtitled "Order Out of Chaos," contained some 13 recommendations for parole reform. The most important of these concerned the Adult Authority, the board, appointed by the Governor, which is responsible for deciding when a prisoner is ready for parole under California's indeterminate sentencing provisions. The principal source of dissatisfaction with the Adult Authority stems from the fact that prisoners are not told when they will be released or why they are granted or denied parole. The Adult Authority is not required to explain the reasons for its decisions.

California prisoners now serve the longest sentences in the nation, and the time served continues to grow longer. The median time served has increased 50 percent in eight years. The select committee, charged with exploring alternative parole policies, found "a parole decision-making apparatus that has no clear and rationally justified basis." According to the committee report, "the parole board is one of the last bastions of unchecked and arbitrary power in America."

To remedy this situation, AB 1511, as introduced, would have:

- Reduced Adult Authority membership from nine to five;
- Abolished the separate parole board for women and transferred its authority to the Adult Authority;
- Required the Adult Authority to parole prisoners at the expiration of their minimum term unless there were specified reasons for denying parole and these reasons were indicated in writing;
- Required the Adult Authority to fix the length of a prisoner's term soon after he arrives in prison, subject to approval at the parole hearing at the end of that term;
- Required the Adult Authority to develop a "parole readiness index" to indicate the likelihood of continued involvement of a paroled prisoner in the criminal justice system.

The cost implications of the measure are unknown. Considerable potential savings could result from increased reliance on parole rather than on imprisonment. Nevertheless, given the high cost of prison operation, one of the chief arguments heard against the bill was that to require the Adult Authority to put in writing its reasons for denying parole would result in a significant number of expensive court proceedings. There is little doubt, however, that in the long run the measure would result in savings to the state, assuming there were no major jump in recidivism rates as a result of an eased parole policy, an assumption for which there is little evidence for support or refutation.

Assembly Majority Leader W. Craig Biddle, chairman of the select committee, believes that the measure as introduced would have done much to end the "arbitrariness of the present parole procedure and make it definite and certain." The measure nevertheless encountered stiff opposition from the executive branch, according to Biddle. Biddle was able to get the major elements of the bill through the Assembly, but in the Senate the Governor's office brought pressure to bear in opposition to the measure, and Biddle is forced to amend the bill or lose it.

The most important provision of the bill, Biddle argues, is the list of guidelines for determining whether or not a prisoner will be paroled. These guidelines included the nature and circumstances of the offense; the prisoner's history of criminality; the extent to which there is a substantial danger that the prisoner will inflict bodily injury on others if released; and the prisoner's previous parole record.

The only elements that appear likely to be approved are an expression of the Legislature's intent that the Adult Authority parole prisoners at the expiration of their minimum terms in the absence of cause, a requirement that the Adult Authority adopt and publish criteria for granting and denying parole, and a requirement that it report annually information which will help assess parole effectiveness.

Private Employment of Prisoners

The only other bill which the Assembly Select Committee on Criminal Justice authored this year, AB 2317, establishes a Corrections Employment Board to develop and coordinate programs for on the job training for inmates of correctional institutions. The jobs are with private firms which have plants in the prisons or adjacent to them. Last year the Senate Finance Committee refused to approve the $35,000 requested for the project. This year the bill asks that the program be funded from the Assembly's housekeeping and study fund instead of from the General Fund, an unusual procedure not likely to be approved by the Rules Committee. Biddle has not pressed for passage of the measure.

Biddle says he is not discouraged, however. He points out that AB 1511 represents a confrontation between the legislative and the executive branches of government which is bound to generate strong opposition. If the measure helps to get parole criteria adopted by the Adult Authority, Biddle believes that enough progress will have been made to justify the select committee's effort.

Although attention has focused primarily on the select committee efforts, 1970 has not been a good year for anyone's legislation in the field. However, SB 219 by Senator Mervyn Dymally, which permits the Adult Authority to parole anyone after five years in prison, has reached the Assembly floor. Senator Howard Way's SB 1402 increases the Adult Authority members from nine to twelve and sets certain qualifications for them. The bill rests in the Assembly Criminal Procedures Committee, a possible pawn in the AB 1511 jockeying.

The Senate Judiciary Committee has scheduled AB 1511 and three other penal reform bills for hearing on August 11th. Only then will it be known for certain just how seaworthy the year's penal reform measures really are.

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Four Days in July

Budget Deadlock Finally Broken

"The necessary business of state government was inexcusably delayed by a small group of partisan obstructionists in both houses who indulged in election year politicking in a vain attempt to discredit the Reagan Administration." — Assemblyman Frank Lanterman

"I know we are right and the taxpayers will find out that we are right, but probably not until after the November election." — Senator George Moscone, Minority Leader

As the budget for 1970-71 went to conference committee in late June *(California Journal*, June 1970, page 158) it was apparent that whatever amendments the committee would work out, Democrats in both houses were preparing for a last ditch stand similar to that which occurred in 1969. The main obstacle to a budget compromise was the issue of financial support for the public schools, the issue upon which Democrats would again seek to focus public attention to illustrate what for them were the serious inadequacies of the Governor's budget.

Assemblyman Frank Lanterman, chairman of the conference committee, presented the committee's report on the evening of June 28th only two days before the start of the new fiscal year. Debate on the conference report, which reportedly developed out of some of the toughest bargaining in years as Lanterman and Senator Stephen Teale battled over funding for mental health and schools, began the next day. The first vote came in the Assembly on June 29th, and the count was 50-23, four votes short of the required two-thirds majority (for individual votes see pages 208-11). On the second day of debate, which lasted more than 12 hours, the Assembly voted 52-23 to reconsider its earlier action (again with 54 votes required). The bill also failed in the Senate where 27 votes were required and the final count was 25-14.

Governor Refuses to Bargain

Governor Reagan had remained in his office past midnight awaiting a favorable vote. Informed that the Republicans had failed to gain enough Democratic votes for passage, Reagan called a 1:00 a.m. press conference on the morning of the new fiscal year and charged that an unrepresentative few were seeking to impose a heavy tax increase on the people of California. According to the Governor, the increase in school funds which the Democrats sought would have required a $500 million increase in state taxes. That, he said, was "too high a price."

The conference committee had actually added $102 million in school support and although this was far less than the $304 million Assembly Democrats demanded, it was enough to significantly weaken their position. As a consequence, it became evident that Democratic leaders in both houses were hard put to make clear what they wanted from the Governor in return for their votes.

A new conference committee was appointed and convened on July 1st to piece together a few minor compromises regarding welfare funds and school aid, including a proposal that any amounts vetoed by the Governor would be applied to school aid, but it was an unconvincing performance on both sides. The two parties were in fact too far apart on the school aid issue to permit a compromise in the short period available to them, and the Republicans had no desire to prolong debate by agreeing to pass an interim budget. Despite the rhetoric, the practical issue was simply how long the Democrats could withhold approval of the budget.

Capitulation

Assembly Democrats capitulated on July 2nd, voting 62-15 to accept the budget bill as amended by the second conference committee. The Senate Democrats, led by

George Moscone and Stephen Teale, held out for two more days. Continuing to press for additional school funds, Senate Democrats hoped to obtain an agreement from Reagan to reallocate some of the funds in his tax package from property tax relief to school support. The Governor refused, however, to give an inch on this.

At noon on July 4th the Senate Democrats also gave in, giving the Republicans the two votes they needed (with one Republican senator ill) to pass the bill 27-9. Within two days after the deadlock was broken, the Legislature also sent to the Governor an emergency bill which in effect validated all state actions taken during the three and one half days when there was no expenditure authorization in many areas of state government.

THE BUDGET FINALLY BUDGED

"This budget represents a great victory for the people — the taxpayers of California. It is nothing short of a resounding triumph of good sense and fiscal responsibility . . ." — Governor Ronald Reagan

As it was finally signed by the Governor on Saturday afternoon, July 4th, the Budget Act of 1970-71 was approximately $112 million higher than the budget submitted to the Legislature by the Governor in February. The greater part of the increase was attributable to the $102 million in additional school funds added to the budget by the two-house conference committee. Although Governor Reagan subsequently sought to share credit for this additional amount, it was clearly the threat of a budget deadlock, a threat which was carried out anyway, which produced the funds. The additional $102 million is made up of two elements: $14 million to fully fund the school fund the basic apportionment formulas and $88 million to meet cost increases resulting from "inflation".

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The Reagan administration was itself responsible for two other very large increases in the 1970-71 budget: $35 million was added to social welfare funds and $31.5 million was added to Medi-Cal funds at the Governor's request to provide for upward revisions in the caseload estimates for those programs.

Two much smaller but still significant increases were accomplished by the Legislature. A total of $1,205,691 was added to legislative funds, and $1,114,131 was added to the budget of the Department of General Services to establish a state data processing service center. Other increases included $811,614 for the Department of Industrial Relations, $699,890 for salary increases for judges, $629,000 for Agnews State Hospital, and $306,000 for the School for the Deaf at Riverside. These increases were made possible in large part by: (1) several major and numerous minor reductions in expenditures for state operations; (2) shifting nearly all capital outlay which was to have been paid for out of current funds to bond financing; (3) several large interfund transfers; and (4) reversion of surplus funds appropriated for 1969-70.

Higher Education Funds Cut

The sharpest budget cuts occurred in higher education. Legislators found a means of expressing their discontent with campus disorders by deleting the five percent salary increase funds ($18.6 million) for University and state college faculty which had been proposed by Governor Reagan for all state employees. Despite the advice of Legislative Analyst A. Alan Post that they should reconsider this action and expressions of concern by UC President Hitch, and even state college Chancellor Dumke, the conference committee made no move to restore the funds. Ironically, University and state college administrators were not excluded from the general salary increase.

Other major budget cuts for higher education included:

- State college reductions of $4 million for faculty staffing, $1.4 million for sabbatical and special leaves, $3 million in library support, and $747,000 for teacher training schools.
- University reductions of $500,000 for teaching assistants and $238,000 for campus arts and lectures programs.
- Deletion of $26 million in University and state college capital outlay funds.

Among the very few increases in support for higher education was the addition of $525,000 for state college Equal Opportunity Programs.

State School Superintendent Max Rafferty and his Department of Education also felt the Legislature's wrath, suffering a 20 percent budget cut and the loss of several programs. Charging that Rafferty's department is "knee-deep in bureaucratic fat and has been for years" fellow Republican and conference committee chairman Lanterman led the move to cut the department's funds. Among the final amendments were: deletion of $1.8 million in federal funds for Title V of the Elementary and Secondary Education Act and transfer of the program, which is to stimulate and assist educational leadership and innovation, out of the department; replacement of data processing staff funds with contract funds for services from the Department of General Services; a reduction of $195,000 in staff and expense for the department's division of instruction; and removal of the Education Research Commission from any relationship to the department.

Other major reductions to balance the budget were spread widely: the cost of fire prevention by the Department of Conservation was reduced by $1.4 million, estimated payments for senior citizens and personal property tax relief were reduced by a total of $2.5 million, a cut in the Department of Motor Vehicles program yielded $2 million, $3.5 million was taken from the $5 million budgeted for new local mental health programs, $4 million was obtained by applying federal funds to existing child care center costs, $1 million was saved from the Medi-Cal Management System, and "unidentified savings" to be achieved by unspecified administrative actions yielded an additional $10 million.

The reduction in General Fund capital outlay expenditures totaled $42 million, with an additional $15 million cut from special funds. All but $6.4 million of this was simply transferred to bond funds (in total cost but with changes in projects), leading critics of the administration to charge that Governor Reagan had abandoned to expediency his administration's pledge to move toward pay-as-you-go financing for capital outlay.

SUMMARY OF 1970-71 BUDGET AMENDMENTS (Millions)

	General Fund	*Special Fund*	*Bond Funds*	*Totals*
State Operations				
Governor's Budget	$1,432	$389	$ *	$1,821
Amendments	-42	-1	*	-43
	$1,390	$388	$ *	$1,778
Local Assistance				
Governor's Budget	$3,317	$660	$ *	$3,977
Amendments	+157	*	+5	+162
	$3,474	$660	$ 5	$4,139
Capital Outlay				
Governor's Budget	$ 48	$307	$327	682
Amendments	-42	-15	+51	-6
	$ 6	$292	$378	$ 676
Totals				
Governor's Budget	$4,797	$1,356	$327	$6,840
Amendments	+73	-16	+55	+112
	$4,870	$1,340	$392	$6,592

*Less than $1 million

Interfund transfers were also a major source of funding, particularly to provide the $102 million in new school aid. $18 million was transferred from the Motor Vehicle Transportation (truck) Tax Fund to the State School Fund, as was the unappropriated surplus in the Driver Training Penalty Assessment Fund, estimated at $6.5 million.

Other Budget balancing items included: transfer of $31.7 million from the Capital Outlay Fund for Public Higher Education to the General Fund, $16.5 million recovered from the 1969-70 construction funds transferred to the State School Fund, and numerous reversions of unspent 1969-70 capital outlay funds back to the General Fund.

To many observers this all looked a great deal like the "cookie jar" financing which the Brown administration had raised to a fine art in its last two years.

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Budget Process Reforms Proposed

In the wake of the budget deadlock which went four days into the new fiscal year, Governor Reagan and a number of legislators have expressed bitter criticism of the motives of the minority party and of the process which permitted the "crisis" to develop. The Governor stated that he has "an open mind on what would be the best method" of preventing further budget impasses but emphasized his feeling that "something should be done." Many legislators also expressed a hope that such an impasse would not happen again, but only a few had concrete proposals.

Assemblyman Ken Cory has proposed that the Governor's budget become a joint product of the Governor and the Legislature with legislators participating in budget decisions before it is submitted to the Legislature. Assemblyman Robert Crown, former chairman of the Ways and Means Committee, has proposed that the budget be introduced no later than January 15th and enacted by June 15th, two weeks before the new fiscal year.

A tougher proposal is contained in the legislative reorganization package carried by Assembly Speaker Bob Monagan. Under the terms of his proposal, after June 1st the Legislature could act on no measures other than the budget bill and emergency revenue bills until the budget bill is passed. As a further incentive to quick action, it is suggested the Legislature recess in June just as soon as the budget is passed, giving the legislators a clear choice between fighting over the budget and taking a vacation.

Flournoy Proposal

A fourth proposal has come from State Controller Houston I. Flournoy who believes that if the two-thirds vote requirement, which applies to all expenditures, is changed to a simple majority, there will be much less chance for a budget deadlock. If a deadlock does occur, Flournoy suggests that the Legislature should be able to continue the previous level of spending into the new fiscal year, again by a simple majority vote.

The first two proposals, although perhaps useful for other reasons, appear to fall far short of a solution to the real problem. It is true that effective budget review by the Legislature is very time-consuming and that an earlier start might be of some help; unfortunately, however, it has proven increasingly difficult for the administration to make up its own mind about the budget before the Legislature convenes. Each year over the past ten years major budget decisions have come later and later.

Just as important is the fact that neither the administration nor the Legislature wants to make final decisions on the budget bill until the last moment. Although both houses of the Legislature now try to get their bills out of committee by June 1st, there is really little incentive to do so sooner. The longer the budget bill is on the floor of either house the more likely it is that the strategy and decisions of the committees will be upset.

Budget Delay Not Really a "Crisis"

Is there really a major crisis when the state goes for a few days without a budget act, as so many seemed to fear during the first few days of July? The evidence seems to say no.

The state did not cease operation, state employees remained on their jobs, and the public's business was carried on as usual. Although the Governor issued expressions of deep concern, those that met with him on other matters during this period saw few signs of it. Moreover, the Governor made no response to the proposal of Assembly Minority Leader John Miller that the Legislature enact a temporary measure to continue spending authorizations at the previous year's level — even though the Governor himself later acknowledged this to be a reasonable way to avoid fiscal problems.

The state Constitution provides that no money may be drawn from the treasury except as appropriated by law. But it does not say that a new budget act must be passed by any particular date. On the basis of evidence of the past two years, the word "crisis" seems to be a bit too strong to describe what really goes on as the minority bargains for new spending or partisan advantage by holding up enactment of the budget.

Moreover, the Legislature and the Governor must await the last revenue predictions before they conclude work on the budget, and these predictions are not released until the end of May. This year the Governor went so far as to hold up announcement of the latest estimates until after the June primary, claiming that he did so in order to get the very latest figures. As subcommittee hearings had been concluded by both houses by that time, the consequence was last minute budget rewriting on the floor and in conference committee of a magnitude which has seldom, if ever, been matched.

Of all the proposed "reforms," it is the change from a two-thirds to majority vote which seems to hold out the greatest hope. In light of the recent State Supreme Court decision declaring the two-thirds vote requirement for school bond elections unconstitutional (see page 202), it seems clear that the courts will eventually find the two-thirds vote requirement in the Legislature unconstitutional also. Therefore, a state constitutional amendment to this same end appears fully justifiable. It will be difficult in this day to find an argument for retaining the two-thirds vote which many will find convincing.

It will also be helpful, of course, if budget decisions can be obtained well before the end of the fiscal year, as intended under the Monagan plan. Hard-pressed departmental administrators who now often don't know the size of their budget until the day it is to go into effect would surely welcome even a week or two of planning time.

When Will the Legislature Go Home?

The annual betting pool to guess when the legislative session will end is underway, with capitol oddsmakers favoring Friday, August 14th, or sometime that weekend. The Senate passed a resolution specifying August 21st for the recess. Assembly Speaker Bob Monagan, who last year talked about adjournment in June, more realistically recently urged August 8th for the cutoff. On the Monday following a 30-day recess, the Legislature reconvenes for no more than five days to reconsider measures vetoed by the Governor. Non-urgency legislation becomes effective 61 days after adjournment unless vetoed by the Governor within 30 days.

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Land Use Bills Survive "Turkey Shoot"

The jury is still out, but the "year of the environment" in the California Legislature is bringing mixed reviews as the session swings into its final months. While the issue cuts across party lines, in general, Republicans are pointing with pride at active measures and keeping their fingers crossed, and Democrats are lamenting defeated bills and labeling many of those still moving as "window dressing." Organized environmental enthusiasts are having to make some hard choices on scaled-down proposals, and representatives of affected industries and government agencies (particularly local) are trying to make some environmental proposals "livable" and stop those they can't abide.

There seems to be a consensus that the large number of bills on the subject has contributed to the confusion. A prominent third house member likened the process to a "six-month turkey shoot," and a leading environmentalist, Mrs. Helen Reynolds of the California Roadside Council, charged that the "pollution of bills" on environmental problems (more than 250 by her count) had blunted the thrust of the movement and suggested a simplified approach in 1971.

Land Use Policies

A review of current proposals lends considerable support to the thesis that land use policy and the mechanisms for making it are the strongest single thread in the environmental quilt. A number of the key bills in the package introduced by the Assembly Select Committee on Environmental Quality *(California Journal,* April 1970, page 103) bear heavily upon current land use problems. The major immediate effect of the "environmental bill of rights" (ACA 55, Milias) will be to clarify the authority of the Legislature in enacting legislation affecting the powers of local governing bodies and state agencies. An equally controversial companion measure taxing new car sales (AB 2199, Briggs) would fund land acquisition programs.

Four other portions of the Select Committee package, (most of which passed the Assembly July 17th and are pending committee assignment in the Senate) will:

- require all state and local agencies to consider the environmental impact of all programs prior to action (AB 2045, Knox);
- replace the present moribund State Office of Planning with a new Office of Planning and Research located in the Governor's office (AB 2070, Wilson);
- create regional environmental planning councils and require the preparation of environmental quality plans (AB 2345, Knox);
- require a conservation element in the general plans of cities and counties (AB 1566, Knox).

In addition three measures derived from the recommendations of the Joint Legislative Committee on Open Space *(California Journal,* April 1970, page 103) have moved out of the Assembly. They would:

- authorize long term (50 year) development planning contracts between land owners and local governing bodies, including school districts (AB 2175, Knox);
- require all cities and counties to adopt open space elements in their general plans, and to implement them with ordinances by 1972 (AB 2180, Knox);
- specifically permit recreational uses on lands subject to Williamson Act contracts (AB 2178, Knox).

A number of other prominent land use planning measures deal with specific parts of California. The coastline development regulation proposal by Assemblyman Pete Wilson, AB 2131, is a shaky sole survivor among the several measures *(California Journal,* May 1970, page 135) introduced on the subject. Also affecting the California coastline are AB 818 and 1942 (Briggs) to govern the siting of nuclear power plants. These bills found conservationists split over their desirability after extensive amendments.

Bay Bills Win, Lose

A bill (AB 2310, Knox) establishing a Bay Area Conservation and Development Agency has passed the Assembly. However, going down to early defeat were measures to create an Open Space Commission in the San Francisco Bay area with broad development controls, SB 1400 (Marks), and to augment similar powers exercised by the Tahoe Regional Planning Agency, now under litigation, AB 445 (Z'berg). A select Committee proposal, ACR 132 (Milias), to require an environmental impact study on three specific state projects, the Peripheral Canal, the Goleta Slough Freeway, and the Tijuana River estuary is in the Senate after the deletion of a fourth project, Upper Newport Bay.

Additional portions of the Select Committee package deal with the use of federal and state lands in California. AB 2167 (Russell) requires the State Lands Commission to study environmental values of lands under its jurisdiction and develop recommendations for permanent preservation of significant property by 1972. A series of Assembly Joint Resolutions (AJR 37, 38, 41, 42, 47) memorialize the federal government to, among other things, protect estuaries, permit public use of beaches on military installations and stop water pollution by federal agencies. AB 2212 (Milias) would create the Environmental Demonstration Committee, composed of members of the legislative and executive branch, to cooperate with the federal government in developing environmental demonstration areas. All these measures have either already passed, or are pending in the Senate.

Despite the volume of proposals, the Legislature hardly enjoys a monopoly on land use policy development. One recent state supreme court decision has considerably broadened public access to beaches through privately held lands, and pending litigation to block the State Water Project has called the present administration of the federal 160 acre limitation into question as well as provoking a vigorous rhetorical counter-attack by State Water Resources Director William Gianelli. The fifteen-member State Environmental Quality Study Council is currently holding hearings on large scale land developments.

Finally, consumer advocate Ralph Nader, assembling his largest staff of "raiders" ever — 27 — is conducting a comprehensive investigation of land use policies in California. Headquartered in Sacramento and directed by Harvard Law graduate Robert Fellmeth, who wrote the Nader report on the Interstate Commerce Commission, the study is expected to be published some time next year.

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Prohibiting Additive

Heated Debate Over Lead Amendments

In their most effective legislative effort of recent years, California clean air forces marshalled strong public pressure to gain Assembly passage of a bill, tougher than any previously considered possible, to reduce the permissable amount of lead in gasoline. The merits of the bill and its amendments, the tactics used by its proponents, and its impact on a major California industry combine to make this one of the session's most contentious and emotional issues.

AB 79 was introduced as part of an 18-bill package of legislation proposed by the Assembly Transportation Subcommittee on Air Pollution chaired by Covina Republican Peter Schabarum. It is intended to remove from California's air during the next seven years increasing proportions of some 50 million pounds of lead emitted annually as particles of auto exhaust.

Lead is added to gasoline to increase the octane level and thereby improve the performance of high compression engines. The practice of using this additive has been attacked by some environmentalists as a health hazard which could cause lead poisoning and mental retardation, although most experts believe there is insufficient evidence as yet to support the claim.

The state's prestigious Air Resources Board and most legislators have been more impressed with the argument that lead deposits may make it impossible for automobile manufacturers to produce an effective emission control device, considered crucial in the fight to end vehicle-produced smog. General Motors President Edward N. Cole told the ARB in March, "We are finding that lead deposits are causing such rapid deterioration of emission control devices as to make them unworkable in some respects." In addition, available data indicate that lead promotes engine deposits that increase noxious emissions.

The auto industry maintains that from 90 to 100 percent of its 1971 models will be capable of running on lead-free gasoline. By 1972, California's auto exhaust standards will make the sale of lead free gasoline mandatory in order to serve cars produced in that model year.

A major battle was fought in the Assembly over the procedure for reducing the additive. Bitterness was heightened by an internecine feud among companies marketing gasoline in California, and an effective, campaign by anti-pollution groups and an emotional and somewhat misleading ad placed in the *Los Angeles Times*. The ad asked of 26 Southern California Assemblyman who had voted in favor of an amendment to the bill (13 from each party), "Have These Assemblymen Sold Out to the Oil Lobby?"

On June 25th Assemblyman Robert Burke, a former petroleum engineer, offered an amendment, adopted on the Assembly floor by a 35-33 vote, which was at the crux of the intra-industry squabble. The amendment permitted the sale of more than one leaded grade of gasoline. Schabarum's bill had originally permitted only one leaded grade. The bill as it came from committee gave the Union and Phillips oil companies, which have opted for two-grade marketing, a competitive advantage, according to Burke.

The other major companies led by Standard and Shell are committed to the three pump plan which places their low-octane non-leaded brand in the middle price range. Schabarum opposed allowing more than one grade of leaded fuel. He contended that a leaded regular would be cheaper than an unleaded regular, thereby encouraging motorists to buy leaded gasoline.

Burke described the public outcry against supporters of his amendment as a "classic case of one-sided coverage by the media." He was pilloried by the press and organized anti-smog groups for supposedly delaying effectiveness of the reduction in lead and watering down its impact.

By further reducing the maximum permissible amount of lead from three to two grams per gallon of gasoline — a standard even Union and Phillips will be hard pressed to meet — Schabarum was able to remove the Burke amendment by a 45-25 vote on July 22nd.

As it passed the Assembly 62-5, AB 79 required the following:

- A low-leaded gasoline to be sold in every service station within the San Francisco, Los Angeles, and San Diego metropolitan areas in 1971;
- A lead-free fuel to be available statewide by 1974;
- No more than one grade of high-leaded gasoline may
- be sold after July 1971;
- No gasoline sold in California after mid-1977 may contain lead.

The bill faces an uncertain future in the Senate during the hectic final days of the session. Schabarum's zeal plus the uncompromising stance of the lead foes, may backfire in the more placid Senate.

The bill could quietly die as time runs out or undergo amendment that would return it to the form it took after the passage of the Burke amendment. Another major Assembly confrontation would then take place over concurrence in the Senate changes.

SB 723 (Richardson), a bill to reduce the burro population in the Mojave Desert, encountered uniquely partisan debate when it got to the Senate Floor:

Senator Moscone (Democrat): As to the violence of burros stomping water holes, I suggest we initiate a study to inquire into the causes of the unrest.

Senator Burgener (Republican): I would suggest the cause of the unrest to be the fact that they are appearing on all the national Democratic Party banners.

Senator Dymally (Democrat): On the contrary. It looks like a Republican plot to kill the Democratic jackasses.

The bill was defeated.

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Constitutional Amendment

Lower Voting Age May Go to Ballot

In medieval times only men of 21 were considered strong enough to wear the heavy suits of armor, the sign of manhood. This accident of history today haunts California's legislators as they try to determine if more substantial arguments exist for lowering the voting age and the age of majority.

The standard cliche has been, "old enough to fight, old enough to vote". Assemblyman John Briggs, author of ACA 40 to lower the voting age and the age of majority to 18, offers less catchy but more politically appealing arguments for enfranchising the young. He reasons that today's young people are better informed than community leaders of a century ago. "Early independence", says Briggs, "dictates the need to be allowed to make their own economic, social and political decisions and to be legally accountable for these decisions. What we need is a broad re-examination of the starting points for adult responsibilities," Briggs points out. "This is the real question; voting is just a part of it."

Unless they are married, non-adults cannot sign binding contracts, although many of them are independent and self-supporting. Present law requires an adult or parent to cosign a contractural obligation for anyone under 21. While there is some doubt whether the new voters would change the course of California's politics, they may well cause a boon to economic activity.

England enfranchised 18-year-olds in January, 1970, and saw no excitement by the young in the election as Conservative Edward Heath overturned a presumably well-entrenched Labor Party. However, England's sagging economy, a reflection of a worldwide downward trend, has been somewhat stabilized by the increased credit sought by younger adults. With an unemployment rate well above the national average, California could well benefit from the influx of money currently stifled by restrictive laws.

Public Favors Lowering Age

But the political question remains the principal focus of interest. According to the California poll, 53 percent of the people of California favor lowering the voting age, despite recent student disturbances. Nationwide, fifty-eight percent of the people favor lowering the age. An attempt to lower the voting age to 19 in Oregon this May failed, however, following disturbances on the state's university campuses.

The potential political impact of one million newly enfranchised California voters continues to be a matter of pure conjecture. In the past, there has been a very low participation in elections by young voters. Campus elections average a 25 percent turnout among undergraduates. The census bureau reports that only half the 21-24 group is registered and only 52 percent of those actually vote. Of the nation's 30 million unregistered potential electors, half are under age 30.

Nevertheless, the prospect that a large number of new electors could change the complexion of California politics worries many politicians. Governor Reagan, who says he "leans away from" lowering the voting age, cautions that efforts to organize the college campuses could result in disruption of the educational process. Student activists, on the other hand, see little hope of organizing student voters into an effective bloc. A recent Gallup Poll shows that 52 percent of this year's college students prefer an independent label with only one-fourth claiming a Democratic label and one-fifth identifying with Republicans. Nearly all of the new university campus presidents elected this spring campaigned on "moderate-liberal" platforms.

Assemblyman Briggs' constitutional amendment has succeeded in passing the Assembly but faces tough Senate scrutiny. The measure would make 18 the age of majority for all purposes except the consumption of alcohol. The right to vote, ability to make contracts, responsibility for criminal acts, and even eligibility for office would all be extended to 18-year-olds.

Drinking Age Unchanged

The original Briggs measure also permitted alcohol consumption by 19-year-olds. Age 18 was substituted in committee over Briggs' objection because most 18-year-olds were still living at home. Assembly floor debate focused upon whether it is consistent to make the new group adults for all purposes except consumption of alcohol. Assembly Democratic Leader John Miller observed that the alcohol exclusion served the purpose of expediency to gain the people's support in November. Eventually the bill was amended to leave the drinking age at 21. Fifty-nine votes representing every political ideolgy then sent the bill to the Senate. A two-thirds vote in the Senate is needed to place the measure on the ballot. A majority vote in the November election would ratify the amendment.

At the federal level the debate will soon move into the courts. The federal law passed by Congress earlier this year provides that effective January 1, 1971, the voting age shall be reduced to 18 without making any other changes in the rights and obligations of those under 21. Although the states have been directed to begin planning to implement the new law, President Nixon has asked Attorney General Mitchell to seek a federal court test of the law's constitutionality.

For his part, Governor Reagan opposes what he feels is the peremptory nature of the federal statute. "I'm one who believes that the statute passed in Congress is unconstitutional," Reagan said at a recent press conference. "I think that the voting qualifications properly belong in the hands of the state." The Governor has not yet indicated whether California will comply with the new law.

The people of California can be expected to examine closely the behavior of students this fall before enfranchising the young group as adults and permitting the 18 to 20-year-old group to operate within the established structure of decision-making. It would be ironic if students' dissatisfaction with their inability to take part in the system prevented them from joining it.

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Transit Fund Bills Move Step Closer to November Vote

California's gasoline tax, constitutionally preserved exclusively for highways since 1938, may finally be freed to fund pollution research and mass transit construction if proposed amendments are passed by both houses and approved by a majority of the voters in November.

Three constitutional amendments which would allow varying proportions of the state's seven cent gasoline tax to be used for rapid transit development and air pollution research have been passed by one house of the Legislature. While proponents of the tax change are cheered by their success, each proposal will face stiff opposition before it qualifies for the November ballot.

Assemblyman John F. Foran gained the necessary two-thirds approval of the Assembly for his ACA 38. The constitutional amendment, through a companion bill, would permit cities and counties to spend their share of gas tax funds as they desire, thus allowing rural counties to continue road construction programs and urban areas to develop transit systems at their own option. The measure, which had 54 co-authors, was passed with the minimum 54 votes as three co-authors opposed their own bill and seven other backers were absent. The next hurdle for the Foran measure is the Senate Transportation Committee.

Senate Measures Move

SCA 18 by Senator James Mills and SCA 5 authored by Senator Milton Marks have cleared the Senate Transportation Committee, and are currently in the Assembly. While permitting new uses for gas tax funds, both Senate Constitutional Amendments place certain restrictions on their expenditure. SCA 18 would require approval by a majority vote of the people in an area where state or local funds are to be diverted from highway construction to rapid transit development. The Mills plan would also limit city and/or county expenditures to 25 percent of the amount of state funds generated within the city or county in any year. Amendments to the companion bill, SB 600, would insure that a locality would have to choose between rapid transit and freeways, preventing any region from getting a disproportionate share of revenue to finance both.

Senator Marks' amendment simply allows up to 20 percent of the county street and highway allocation to be spent on transit acquisition and construction. The Senate measures gained approval from Foran's Assembly Transportation Committee before encountering more opposition at their next stop, the Assembly Committee on Elections and Constitutional Amendments. Foran's far-reaching amendment may itself face problems in the Senate Committees.

During the final weeks of the legislative session, the focus will be devoted entirely to the three attempts to permit localities to utilize a portion of their share of gas tax revenue to develop freeway alternatives. The vaunted "highway lobby" *(California Journal*, January 1970, page 11), which has never before been as vitally threatened by an attempt to crack its special fund treasury, will continue to work feverishly to develop opposition among legislators who fear that the construction of key links in the state's freeway system will be delayed.

Should an amendment make it to the November ballot, a fierce and well-financed campaign can be expected to try to persuade voters to reject the measure.

Consumer Bill

Unit Pricing Unlikely

Legislation mandating unit pricing on food items in retail stores reached the Senate floor on July 6th following approval on a close vote by the Senate Business and Professions Committee. SB 189, authored by Senator Anthony Beilensen, requires retailers to compute the price per unit of weight, volume or count by which each food item is normally sold and make the information available to consumers. Current law requires food products to be either marked with the net contents or measured at the time of sale. Retailers place the selling price on the commodity, but with some exceptions (chiefly meat and delicatessen items packaged in the store) few place unit price information on the package. Consumer advocates have sponsored legislation on the subject in California during the past decade without success. However, recent national developments, including congressional hearings, adoption of a unit pricing rule by New York City, and well publicized experiments by retailers themselves, have served to focus increased attention on the concept.

Proponents contend that unit pricing is necessary to permit consumers to make intelligent value comparisons among competing products, a task which they argue is now made unnecessarily difficult by the proliferation of non-standard containers and the variable prices used as marketing techniques. Grocers contend they should not be saddled with the cost of correcting a problem caused by the manufacturer using non-standard containers. Further, they argue that increasing the labor cost attendant upon price changes would tend to reduce price competition at the retail level, including the use of "specials".

Effect of Measure

Evidence so far on the probable effect of unit pricing on the consumer is inconclusive. Beilenson stated that surveys indicate most housewives would like the additional information, and that by using it shoppers could reduce their food bills by as much as ten percent. Opponents argue that actual consumer interest has been quite low, even where the practice has been tried, and that focusing on value in terms of quantity tends to obscure differences in quality. Grocers estimate that compliance might increase the cost of food by as much as three percent, a figure hotly disputed by consumer advocates who think price-posting can be handled in such a way as to render cost increases negligible.

AB 189 awaits an uncertain fate in the Assembly, should it pass the Senate. Beilenson, who has already limited the application of the bill to food, could further narrow its scope to include only the so-called non-uniform or random packages (generally made up at the store) where the weight or count deviates with each package and where price per unit computations are difficult for the consumer and most likely to be provided presently by the retailer. However, a bill embodying this approach, AB 814 (Cullen), has already failed to clear the Assembly Committee on Commerce and Public Utilities, and grocers have successfully argued in the past that when consumers really want such information, grocers will provide it out of competitive necessity.

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Anti-Vietnam War Bills Killed in Committee

Shortly before their demise on July 28th, uncertainty over the constitutionality of two military service bills, AB 1674 by Assemblyman John Vasconcellos and AB 1460 by Assemblyman Bill Greene, had reduced a politically explosive and emotionally charged issue to a debate creating a possible legal precedent. Both bills had passed the Assembly Government Administration Committee but were stuck down in Ways and Means by a vote of 7-11. The motion to reconsider that vote was similarly defeated.

Modeled after a recently enacted Massachusetts statute, the measures would have prohibited requiring any California citizen inducted or serving in the armed forces of the United States, to serve in armed conflict not declared to be an emergency or not otherwise authorized by the powers granted the President by the U.S. Constitution, unless armed hostilities were authorized or ratified by the U.S. Congress pursuant to its war-declaring powers. AB 1460 empowered the Attorney General to file suit in court to defend an individual's rights "in equity, by extraordinary remedy, or by petition for a declaratory judgment", while AB 1674 required the Attorney General to file suit on behalf of the state in the U.S. Supreme Court if that court accepted original jurisdiction, or in an inferior federal court.

The enactment of this legislation would have forced, its backers hoped, a U.S. Supreme Court test and subsequent ruling on: (1) presidential assumption of the power to conduct war, (2) which branch of the federal government has the war-making power, and (3) whether undeclared wars are unconstitutional. The ultimate intent of the legislation would have been to force the Supreme Court to rule on the constitutionality of the war in Vietnam.

Constitutionality Debated

Arguments in support of the constitutionality of the test case proposed by AB 1674 and 1460 rested on the premise that according to the provisions of the U.S. Constitution dealing with the waging of war (Art. I, Sec. 8; Art. II, Sec. 2), there is no authority for waging a constitutionally unauthorized or congressionally undeclared war. Any federal law or order which contravenes the Constitution is invalid and the constitutionality of the federal order in question has not been established.

Opponents of the measures argued that they were unconstitutional. An opinion by the Legislative Counsel questioned the constitutionality of the legislation on the grounds that it would be an attempt by the State of California to impede the federal government in the exercise of its military powers which are vested exclusively in the federal government by the U.S. Constitution, it would be an intrusion into the area of foreign policy, and further, such legislation would be constitutionally unenforceable even though no formal war declaration has been made and the President may have exceeded his authority as Commander-in-Chief.

Some opposition to the bills also stemmed from the enactment of the Massachusetts' law in April, 1970. Critics pointed out that only one test case is necessary for a Supreme Court ruling. That test case has been initiated. On July 22nd, the Massachusetts Attorney General filed suit on behalf of the state in the U.S. Supreme Court under the Massachusetts military service statute.

Progress of Major Bills

The following is the history and status of major bills before the Legislature as of July 31st.

GOVERNOR'S TAX PROGRAM. AB 1000, AB 1001 (Bagley). AB 1000 failed to pass Assembly May 4th; revived and passed 47-28, May 21st. AB 1001 approved 66-11. Passed with amendments by Senate Committee on Revenue and Taxation July 2nd and by Senate Finance Committee July 15th. AB 1000 passed by Senate 23-14, July 28th. AB 1001: urgency clause refused adoption 26-13, July 28th (requires 27 votes).

BUDGET BILL. AB 525 (Lanterman). See pages 184-186. Assembly June 11

GAS TAX ALLOCATION. ACA 38 (Foran) and SCA 18 (Mills). See page 190.

COASTAL CONSERVATION. AB 2131 (Wilson). Approved by Assembly Committee on Natural Resources and Conservation on June 23rd and by Committee on Ways and Means, July 16th. On Assembly floor.

SCHOOL FINANCE. SB 327 (Teale). Passed by Senate Education Committee and sent to Finance Committee. Amended and held in Finance pending action by Revenue and Taxation Committee on tax bills.

TEACHER LICENSING. AB 122 (Ryan). See page 192.

SCHOOL LUNCH PROGRAM. AB 318 (Duffy). Passed 54-5 by Assembly with urgency clause March 20th. Passed by Senate 28-1, June 18th and returned to Assembly. Assembly refused to concur in Senate amendments. To conference committee June 19th. Approved by both houses June 30th. Signed by Governor July 17th.

LEAD IN GASOLINE. AB 79 (Schabarum). See page 188.

AIR POLLUTION. AB 88 (Schabarum). Passed by Assembly April 20th, 70-1. Passed by Senate, 28-0, July 24th. Assembly concurrence July 29th.

CONSUMER AFFAIRS. AB 2366 (Hayes and Sieroty). From Governmental Organization Committee without recommendation. In Ways and Means; amended.

CONSUMERS LEGAL REMEDIES ACT. AB 292 (Hayes). Passed by Assembly June 4th, 56-0. In Senate Committee on Judiciary.

WELFARE REFORM. AB 1360 (Duffy). Approved by Committee on Health and Welfare with extensive amendments June 24th, on split voice vote. Passed Committee on Ways and Means July 15th. Passed by Assembly 44-17, July 24th. To Committee on Health and Welfare.

LEGISLATIVE REORGANIZATION. ACA 2 (Monagan). Passed by Assembly July 22nd. To Senate Committee on Rules.

SEX DISCRIMINATION. AB 22 (Warren). Passed by Assembly April 8th, 63-6. Approved by Senate Industrial Relations and Finance Committees, with amendments. On Senate floor; amended July 23rd.

PENAL REFORM. AB 1511 (Select Committee on Administration of Justice). See page 183.

BUSING. AB 551 (Wakefield). See page 192.

FRANCHISE INVESTMENT. SB 647 (Bradley and Knox). See page 200.

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EDUCATION

Teacher License Act Signed

After two years of study by the Legislature and the administration, a far-reaching teacher education and licensing reform measure has been signed into law by the Governor. AB 122 by Assemblyman Leo Ryan was originally drafted and introduced by the Joint Committee on Teacher Licensing in 1969 as AB 740; that bill passed both houses but the Governor, reportedly at the urging of Superintendent of Public Instruction Max Rafferty, vetoed the bill with the request that it be resubmitted in 1970 after further study and refinement (*California Journal*, February 1970, page 40). Although the basic character of the bill has remained unchanged, interim study and numerous Assembly and Senate amendments have altered the original provisions in several important ways.

As signed by the Governor, the new act has the following principal provisions:

- **Commission.** Responsibility for licensing teachers and other school personnel is taken from the Department of Education and vested in a 15-member commission to be appointed by the Governor. The commission, which is responsible to the Board of Education for policy guidance, is composed of six certified personnel, at least four of whom must be full-time teachers; four college or university professors; two school board members; and three public members.
- **Single Credential.** A single teaching credential and a single service credential are created, each with four subauthorizations. Under this procedure teachers and other school employees will be licensed by discipline rather than according to conventional patterns of school organization. For example, a teacher may be licensed to teach French or mathematics at any grade level, subject to his consent and the determination of the local board.
- **Administrators.** Local school districts are permitted to waive the administrative credential for the district superintendent. The districts may now hire talented individuals from many walks of life to run California's schools. This amendment won the administration's support for the bill, although the Governor's representatives originally sought to do away with the administrative credential altogether.
- **Reading.** All teachers licensed under the provisions of AB 122 must demonstrate a knowledge of how to teach reading.
- **Examination.** The bill establishes competency examinations as alternative to approved college or university training. This will permit individuals to demonstrate their knowledge of a given subject by examination.
- **Professional Preparation.** The number of education methods units that can be required of a prospective teacher are limited to nine. This provision has remained intact over two years, weathering a concerted attack by professional educators. Proponents of the nine unit limit argue that many qualified individuals are lost to teaching because of their unwillingness to take a large block of course work which they feel lacks intellectual rigor and discipline. They also argue that prospective teachers can take as many education courses as they wish — voluntarily.

It is believed that this new act will not only free teacher licensing from the tremendous bureaucracy and red tape which has grown up around it, but will also give California's schools access to an important new reservoir of talent from which to draw teachers and administrators.

Busing Prohibition Appears Headed For Governor's Desk

As school integration moved into a critical period across the country, the California Legislature moved closer to adopting a measure, AB 551 by Assemblyman Floyd Wakefield, which will prohibit the busing of school children for racial integration or for any other purpose without the written consent of their parents. The bill was approved by the Assembly June 22nd by a vote of 49-18, and on July 31st it was passed to the Senate floor from the Senate Education Committee. It is expected that the Senate will pass the bill, as it passed a similar bill last year and that the bill will be signed by the Governor.

Few legislators have risen to speak either for or against the measure. Several assemblymen did speak against it on the Assembly floor, most notably Assemblyman William T. Bagley who called it a "bigoted, damnable bill" and Assemblywoman Yvonne Brathwaite who described it as a "symbolic strike at every black person in the state." However, the opposition did not present an organized threat to the bill, and only Assemblyman W. Don MacGillivray spoke for it, in addition to the author, before it was passed by the Assembly.

Assembly Democrats who might have been expected to lead a vigorous opposition to the bill were apparently restrained by their vivid recollection of how their opposition to repeal of the Rumford Fair Housing Act in 1964 was used against them in that election year. They have little desire to become involved in an issue which, they believe, can only hurt them.

This attitude appears to be shared by most school district superintendents. One of the very few to speak has been Superintendent Richard L. Foster, who operates the Berkeley School District's successful integration plan established by his predecessor, Neil Sullivan. According to Foster, passage of the Wakefield bill will not halt busing in the Berkeley district, despite the flat prohibition contained in the bill.

Constitutional Question

When the Wakefield bill was first introduced, it prohibited only busing for the purpose of racial integration without parental consent. Fearing that this was clearly unconstitutional, the author agreed to amend the bill to include busing for any and all purposes. On June 30th, however, the Legislative Counsel indicated that there is still a question of its constitutionality under the 14th Amendment to the U.S. Constitution. The Counsel's opinion cited a 1963 U.S. Supreme Court decision regarding the Pasadena schools to indicate that in a test case the courts would be likely to look beneath the law's wording to the effect the law would have on the matter of racial balance. In response to this opinion, Assemblyman Wakefield has indicated that he does not think the constitutional question is sufficient to force him to withdraw the bill.

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EXECUTIVE BRANCH

Court Challenge Certain

ABC Issues New Nudity Restrictions

In an effort to combat court rulings which have curbed their ability to prescribe conduct where liquor is served, the State Department of Alcoholic Beverage Control on July 9th adopted formal regulations which ban topless or bottomless waitresses and bottomless live entertainment. The department conceded the issue of topless entertainment in approving such performances, provided they are not permitted in close proximity to patrons.

The rules, which go into effect August 10th, resulted from a recent California Supreme Court decision in which the court held that the ABC was acting beyond its authority in attempting to prohibit conduct it deems in violation of the "public welfare and morals" clause. The California constitution authorized the department to deny or revoke a license if the granting or continued use of it is contrary to the public welfare or morals. The court held that in order for conduct to be subject to regulation, it must result in public harm; not judged solely on the department's discretion, but on the basis of the welfare and morals of the public at large. The court also declared that such a finding should be spelled out in a rule.

New Restrictions

The new rules prohibit a bartender or hostess from dressing so "as to expose to view any portion of the female breast below the top of the areola" or of any portion of the genital area. Entertainers "whose breasts and/or buttocks are exposed to view" may perform only on a stage "at least 18 inches above the immediate floor level and removed at least 6 feet from the nearest patron." Movies and closed circuit television showing or depicting sexual acts or nude persons were also prohibited.

In developing their new rules the department held three days of public hearings and took testimony designed to show the adverse effect of topless waitresses and bottomless dancers on the public's "welfare and morals". ABC Director Edward J. Kirby said that evidence presented at the hearings demonstrated that undressed employees created a "substantial increase" in law enforcement problems.

Under state law a test of the new rule does not need to await a specific action by the department against a licensee; the law permits an immediate test of its validity, a course of action which the department anticipates on behalf of the numerous licensed premises subject to the new regulations. However, Deputy Director Peter T. Sexton indicates that the department will provide a test by filing accusations once the rules become effective. The issues likely to be contested raise basic constitutional questions, and courts have consistently permitted a licensed premise to continue operation pending the outcome of such cases, which can be expected to go to the Supreme Court for final resolution.

Possibly in Conflict

The department rules prohibiting bottomless dancers may conflict with a California Supreme Court decision *(In re Gianinni)* in which the court held that topless dance was a protected form of free speech and thus can be prohibited only if it is obscene. The standard the court must follow is that: (1) the dance is substantially beyond contemporary community standards in depiction or representation of sexual activities (relying on the entire state as the community); (2) applying the contemporary community standard it is determined that the dance has a predominant appeal to prurient interest (a morbid and shameful interest in nudity, sex or excretion); and (3) the dance is utterly without redeeming social importance.

If the department is required to meet the test, it will be necessary to try each case separately, and any overall attempt to prohibit by rule any dancer who exposes the buttocks or genital area would not be valid. The rule governing films poses the same problem. If the rule is enforceable, films that are presently permitted in theaters could be prohibited in licensed premises.

Even though there are substantial questions which may be raised by the rules the Department of Alcoholic Beverage Control feels that their constitutional authority to regulate conduct in licensed premises provides a basis for the rules which does not bring them within the obscenity test. The decision before the courts will be crucial in determining what standards of enforcement ABC is permitted to exercise under current law.

A future issue of the Journal *will explore the origins of the ABC's unique enforcement authority, and the interests which protect and preserve it.*

Administrative Procedure Act

The enactment a new law requiring a state agency to enforce or administer its provisions also gives the agency authority, whether expressed or merely implied, to adopt rules which are reasonably necessary to carry out the law's mandate. Once adopted, such rules have the force of law.

The procedures which an agency must follow in adopting rules and regulations are set forth in the Administrative Procedure Act. The act requires that agencies adopting rules and regulations must give advance notice to the public, and provides for central filing and publication of such rules and regulations. The law also permits an agency to find that an emergency exists which requires a rule to take immediate effect and to dispense with the public hearing until it adopts the rule on a permanent basis.

The act also sets forth the procedure for adjudicatory hearings in those circumstances when an agency is required to hold such a hearing before taking action to enforce a law. Provision is made in the law for judicial review of the exercise of discretion by the state agencies when they take action under the act.

Questions of the adoption of rules and regulations are discussed in both the Department of Alcoholic Beverage Control's new rule and in the welfare cutbacks.

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"The biggest problem we have is that most of what is wrong with welfare is mandated either by state statutes or, mainly, be federal laws and regulations." — Governor Ronald Reagan July 7, 1970

What Reagan's Medi-Cal and Welfare Cuts Draw State and U S Fire

Social workers and federal bureaucrats came under attack from Governor Reagan this month in his most heated outburst to date on the welfare issue. In two separate actions: (1) California faces a cut off of $978 million in federal welfare funds and (2) the Governor rescinded a proposed $10 million cut in welfare spending for attendant care and homemaker services. The Governor directed his anger over the two actions at federal bureaucrats who "attempt to impose their interpretations from 3000 miles away" and social workers whose cruelty is reminiscent of the "gas ovens and the Nazis."

The two outbursts, which occurred within weeks of each other, demonstrate the frustration which Reagan is encountering in the pursuit of his announced goal of providing "proper assistance levels for those who are truly needy and elimination from welfare of those who are able to support themselves." Both moves are significant for the administration:

- The action against California (and three other states) by the Department of Health, Education, and Welfare formally set in motion the machinery that could cut off the massive federal contribution to California welfare payments on the basis that the state is not complying with provisions of federal law governing payment of grants for Aid to Families with Dependent Children (or AFDC). Since the federal welfare program began in 1935, only 14 similar actions have been threatened.
- The cutback scrapped by Reagan was in attendant care and homemaker services for meeting the needs of the aged, blind and disabled welfare recipients who require special assistance in their own homes. In announcing restoration of the $10 million to fund these programs, Reagan bitterly denounced social workers who were "prepared to cut off essential services to the most needy." Not since the controversial personnel cuts at state mental hospitals has any budget trimming stirred such a dramatic response.

Although the Governor was adamant in not wavering in his determination to carry out administrative changes which would "establish some ratio of fairness between the needs of welfare and the burden borne by the taxpayer," the manner in which he will accomplish that is highly uncertain.

Question of Cost

By the administration's reckoning, the cost of complying with federal requirements by paying full need in AFDC payments will amount to $111 million in added state cost. However, HEW indicates that it is possible for California to achieve compliance with no added state outlay.

The federal agency is asking California to make an adjustment of AFDC maximum aid payments called for by 1967 amendments to the Social Security Act. The act required states to add a cost-of-living increase by July of 1969. Since California did not institute an increase, HEW has begun the formal hearing process to determine whether this failure to comply with the law should result in a loss of federal funds. The department has scheduled a public hearing for August 25th in San Francisco to review the state's non-compliance.

HEW's social and rehabilitation service administrator, John D. Twiname, indicated that "calling a hearing does not necessarily imply an adverse federal evaluation of a state's overall social welfare program. The action we are taking relates to specific issues, not total programs."

Reagan reacted immediately to the announcement that the HEW would hold hearings: "It is regrettable and more than a little curious that a federal bureaucracy seeks to impose its interpretation about laws and regulations now to change a California practice that has gone on since 1951. This action is certain to cost the taxpayers of this state more money."

The Governor's annoynance at HEW's announcement for formal hearings suggests the administration was surprised by it. HEW waited one full year after the deadline set by Congress, however, and had repeatedly informed California that it was not complying. The fact that the announcement caught administration officials off-guard suggests that they felt HEW would not go through with its threatened hearing at this time. California was one of fifteen states which HEW notified for not being in conformity and all except California, Arizona, Indiana, and Nebraska chose to accomodate their programs to federal law.

Reagan's statement is also somewhat baffling because of his complaint that HEW is trying to change a California practice that has existed since 1951. The reference is to the way California's AFDC program was set up by the Legislature in 1951 when the current procedure for determining the amount of aid a family could receive was adopted. In essence, it involves two separate standards: (1) *a standard of need* to define what a family should have to meet minimum levels of adequate care, and (2) *a standard of maximum aid payments* in which the state will share. The first is used to establish eligibility for AFDC grants and the second sets the amount of money paid by the state.

Below Need Standard

The Legislature has not enacted an increase in the maximum aid payments, and according to Department of Social Welfare figures, approximately 80 percent of AFDC families are living at a level below the defined standard of need by an amount averaging $98 per month per family unit. This kind of disparity between need and maximum payments prompted Congress to mandate a cost-of-living increase to adjust for the inflationary impact on basic grant payments.

(Continued on page 196)

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". . . the one program we inherited that was passed by the previous administration and which they didn't have to provide anything for it, that fell on our necks, was Medi-Cal." — Governor Ronald Reagan

Welfare Cuts Are All About

Medi-Cal Cutbacks Receive Court Approval

Medi-Cal has been a major fiscal headache for the Reagan administration from its beginning. In November, 1966, only eight months after Medi-Cal had been established and less than a month following Reagan's election, it was announced that the program was running a deficit of more than $80 million for fiscal 1966-67.

It was this first deficit that led the Reagan administration, represented by Health and Welfare Administrator Spencer Williams, to announce the first proposed cutbacks in the Medi-Cal program. In mid-August 1967 Williams said that effective September 1st: services provided under the program would be curtailed, eliminating a number of benefits such as physical therapy, non-emergency surgery and out-patient psychiatric care; private hospitalization would be limited to eight days; control of nursing home admissions would be tightened; and there would be a "rollback" of physicians fees. To many observers this seemed to go contrary to the basic objective of Medi-Cal, which was to provide "mainstream" medical care for those who otherwise could not afford it.

The administration promptly came under fire from county medical societies, the California Medical Association (CMA), the County Supervisors Association and others. Before the end of August California Rural Legal Assistance (CRLA), which was to become the administration's nemesis in this area as in welfare, obtained a Superior Court restraining order blocking the reduction in benefits.

On November 20, 1967 the state Supreme Court ruled that the state, although authorized to make cuts, had proceeded illegally in as much as the law required that such cuts should first hit those who were classified as "medically needy" (but not eligible for welfare) and that the cuts were to be made in all services proportionally, not concentrated in a few areas.

Governor Angered

Angered by the court's decision, Governor Reagan asked the Legislature, meeting in special session, to give him greater flexibility in controlling Medi-Cal costs, and threatened to cut some 160,000 medically needy persons from the program if it did not do so. But the Legislature did not comply, as there was by that time a good deal of doubt as to the validity of the administration's cost figures. What the Legislature did was adopt a resolution authored by Republican Assemblyman John G. Veneman which called for a moratorium on Medi-Cal cuts until a specially constituted joint legislative committee could make a careful determination of the fical facts.

Early in January, 1968 the administration reversed itself and declared that there were after all sufficient funds in Medi-Cal to keep it going "without any major cutbacks in services and none in recipient rolls." This conclusion was confirmed in April by the joint legislative committee which stated in its report that it could find "no financial reasons to reduce Medi-Cal benefits below current standards in either 1967-68 or 1968-69.

New Attack on Costs

All remained relatively quiet on the Medi-Cal front until March of this year when the administration launched a new attack on Medi-Cal expenditures. On the day before he became director, Dr. Earl W. Brian announced that Medi-Cal was facing a budget deficit of $15 million to $20 million for 1969-70. To block this deficit Brian ordered that all nonemergency patients be subject to preadmission screening before being admitted to a hospital, effective April 13, 1970. This requirement was expected to discourage enough "elective" surgical cases during the remainder of the fiscal year to offset the projected deficit.

One month later Brian ordered a 10 percent cut in allowable pharmacy fees, stating that the law required such a cutback in payments when any category of expenses began to exceed its budget by 10 percent. The pharmaceutical fee cut was rescinded only a few weeks later, however, when the Legislature voted to raise the budget limit to 15 percent above the basic level. The Pharmaceutical Association had wasted no time in protecting its interests.

More Cutbacks Proposed

But there was more to come. Early in May, Brian announced that the department was considering a whole series of changes in eligibility, benefits and related aspects of the program to go into effect with the new fiscal year. These cutbacks are not related to the previously estimated deficit but to $38 million in cost reductions ("program adjustments") which were built into the 1970-71 Medi-Cal budget. The principal proposed changes in the Medi-Cal regulations are intended to:

- Tighten eligibility standards for the 200,000 medically needy (but non-welfare) persons receiving benefits, reducing the eligible number by 50,000.
- Eliminate the limited Group II schedule of benefits which has been applied to the medically needy, bringing them in under the full Group I schedule of benefits.
- Establish a fixed payment schedule for home care agencies.
- Establish tighter supervision over the expansion and maintenance of nursing homes.
- Apply the lower Medi-Cal payment limits in cases where Medi-Cal and Medicare are co-payers.

(Continued on page 197)

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(Continued from page 194)

The administration has balked at complying with the cost-of-living adjustment because it contends it cannot be accomplished equitably without substantially increasing the cost of welfare — a prospect that is repugnant to Reagan. "California already leads the nation in the size and scope of its total social services, health care and welfare programs," the Governor points out. "But the federal bureaucracy now is seeking to impose its views to increase that already too expensive program even more."

While California contends that merely looking at the state's failure to make the cost-of-living adjustment does not take into account the overall program, HEW has countered with a report of its own showing that 34 states were doing a better job than California in adjusting AFDC payments to state needs.

What the state is really objecting to is the consequences of making the cost-of-living adjustment because it will increase the eligibility level for admittance to the AFDC program for an undetermined number of families. While California can make a prorata reduction in its maximum aid payments after accounting for the cost-of-living adjustment, so that there would be no increase in state cost, the overall effect of that approach would be to reduce the size of the individual grants to all families who are currently receiving AFDC payments. The Department of Social Welfare estimates that increasing AFDC and applying a prorata reduction that would have the effect of holding maximum aid payments at existing levels would result in an increase of $111 million in the state cost of the program.

The administration is looking to pending legislation authored by Assemblyman Gordon Duffy (AB 1360) to avoid HEW's compliance hearing without resorting to the prorata reduction approach. The bill provides for a single uniform standard of family allowances, which serves both as the standard of need and the standard of maximum aid payment, varying grants only by family size. It also includes a cost-of-living clause. However, the additional expenditure in AFDC payments provided in the Duffy bill, which are culled from reductions in other programs, still fall short of an increase in AFDC maximums to the level which would result from applying the cost-of-living increase.

Cost Reduction Procedure

If the result of the Duffy bill is to leave AFDC eligibility or maximum aid payments, or both, below the level which would have been attained by applying cost-of-living to existing standards, then HEW's decision on whether compliance has been met is still at issue. In April of this year the U.S. Supreme Court in *Rosado v. Wyman*, a test of New York's cost-of-living adjustment to the 1967 amendments to the Social Security Act, while specifying that the prorata reduction method of paring down payments to accomodate budget realities is acceptable, states that the federal law "invalidates any state program that substantially alters the content of the standard of need in such a way that it is less than it was."

If the legislation provides the means for compliance or a basis for seeking a continuance, a factor which the administration is now relying on, the August 25th hearing will be dropped. If the state must continue to go through the hearings and each side takes its full allotment of time, it is likely that the result could occur perilously close to the November election, with the prospect of increasing the taxpayer burden or reducing aid payments to those who are currently eligible.

Although the HEW conformity hearing holds prospects for being politically troublesome for Reagan, the attempt to cut welfare costs by reducing attendant care for the blind, aged, and disabled has stirred a more immediate storm of public protest. If the "federal bureaucrats" piqued the Governor's ire, social workers really incurred his wrath for "cruelly using these helpless people as pawns". Reagan claimed that cutting $25 million in state and federal funds out of the total $66 million attendant care program would have assured that "persons in the greatest need of homemaker and attendant care allowances receive the assistance they require while, at the same time, lessening the heavy welfare burden on the taxpayer."

In the face of unfavorable statewide publicity about the cuts, Reagan sought to turn the criticism back on the welfare workers by charging them with being too literal in preparing to carry out the administration's order. Reagan said he personally received complaints from frightened welfare recipients who were told their aid was being cut off, including two persons that "even have to be turned over in bed".

Announcement of the attendant care cutback was followed by another change which removed caseworker staffing requirements. The administration estimated savings of $75 million a year in county and federal funds. The previous standards required counties to have at least one social worker on the staff for every 60 welfare cases and one supervisor for each five social workers.

Staffing Regulation Remains

Both sets of regulations, adopted as emergency orders by Social Welfare Director Robert Martin, were to take effect on August 1st. The social worker regulations which simply require that counties maintain "adequate numbers" of social workers with "suitable qualifications" have not been rescinded. Reagan administration officials contend that social workers angered by this relaxing of requirements deliberately chose to misconstrue the attendant care order which was intended as a cut-back. "At no time," the Governor said, "did we propose cancellation of the program; indeed we called for maintaining it at virtually the level of the past year. At the same time it was made perfectly clear we were aiming only at abuses and that no needy person would have to leave his or her home and enter an institution because of the proposed changes. We sought only the elimination of unnecessary services and no handicapped person was to be denied care."

Whether it is possible to maintain the program at last year's level without eliminating necessary services is one of the issues which is disputed. A point which county officials make in suggesting that the cut-back was detrimental is that it cut the maximum attendant care grant in half. They also point out that last year's appropriation of state funds for the program's first year was found to be deficient, requiring a supplemental appropriation to fund it for the entire year and that a cutback to the original appropriation was unrealistic.

State welfare department officials contend that the cuts were reasonable and permit the counties to phase into a new federal program, but they admit that the regulations, adopted on an emergency basis, were hastily prepared and permitted welfare workers to claim they were following the law in denying aid to the helpless, as charged by the Governor.

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(Continued from page 195)

In addition, the rules governing hospital admissions are to be maintained in the new fiscal year, except in counties in which the county medical societies agree to screen hospitalization orders by member physicians.

Following a public hearing on June 25th, Dr. Brian announced that the new eligibility and benefits standards will go into effect August 1st while the other proposals will be subject to further review. Basically, the new eligibility standards for the medically needy reduce the amount of personal and real property which persons and families may have and still qualify for Medi-Cal. In addition, they eliminate provisions whereby persons who are above the standards may still receive Medi-Cal aid if they contribute a fair share of the cost. Under the new rules they will have to "spend down" their assets before becoming eligible.

The new rules were expected to disqualify 50,000 of those who are classified as medically needy, but, according to Dr. Brian, 40,000 of these persons were expected to "spend down" their assets within six months and become eligible once more. Brian estimated the new rules would save the state about $9 million the first year and $1 million per year thereafter.

Court Challenge

The new regulations were immediately challenged by CRLA, which sought a restraining order from the Sacramento Superior Court on behalf of the affected recipients. CRLA charged that the procedures whereby the new rules were adopted were illegal and that the new rules violate existing state and federal laws.

On July 30th Judge Irving H. Perluss announced his finding that one provision of the new regulations, lowering income ceilings for eligibility, did appear to violate federal law. Judge Perluss ordered a postponement of the effective date of all of the proposed new regulations from August 1st to September 1st. Reacting quickly to the court order, Dr. Brian agreed the next day to make the disputed provision conform to the federal law. According to the department's estimates, this will reduce from 50,000 to 40,000 the number of persons who will be made ineligible and will also reduce the first year savings from $9 million to $7 million. Informed of this action, Judge Perluss immediately rescinded his earlier order, clearing the way for the new eligibility standards to go into effect August 1st as planned.

Medi-Cal Chief: Brief Biography

Dr. Earl W. Brian, Jr., Governor Reagan's 28-year-old Director of Health Care Services, is a native of Raleigh, North Carolina. Dr. Brian attended Duke University and graduated from the Duke medical school in December, 1965. He began his internship at a community hospital in Durham, North Carolina and completed it at the Stanford Medical Center in March, 1967.

After serving three months as assistant administrator of the Stanford Hospital, Dr. Brian was appointed Executive Secretary of the California State Social Welfare Board in June, 1967. Six months later he began a two year tour of duty with the US Army, serving first as deputy post surgeon at the Presidio in San Francisco and later in Vietnam.

On his discharge from the Army, Dr. Brian was selected as Director Designate of the Department of Health Care Services. He became director on April 1.

What Medi-Cal Is

Authorization

In 1965 Congress passed Title XIX of the Social Security Act to assist the states to provide "mainstream" health care for those who can not afford it and who are not covered by Medi-Care. The California Medical Assistance Program (Medi-Cal) was established on March 1, 1966 as the means by which California participates in the federal program.

Coverage

Three categories of persons have been eligible for Medi-Cal assistance: (1) the blind, aged, totally disabled, and families with dependent children who are eligible for welfare assistance; (2) "medically needy" persons in the same categories who are not eligible for welfare but who cannot provide adequate medical care for themselves from their own resources; and (3) mentally retarded patients aged 18-64.

The total average caseload for 1970 is expected to reach 2,119,600 of which 1,953,600 are welfare eligible, 159,000 are medically indigent, and 7,000 are mentally retarded patients.

Services

Those who are eligible for welfare assistance receive "Group I" benefits: hospital care and ancillary services, out-patient physician services, prescription drugs, dental care, laboratory and x-ray services, nursing home care; physical, occupational and speech therapy; and other diagnostic, preventive, or rehabilitative services. Those who have been classified as medically needy have been eligible for "Group II" benefits: hospitalization and out-patient services for illnesses for which hospitalization was ordered. With the adoption of the more stringent eligibility standards for this second group, effective August 1st, all those who remain eligible are to receive the Group I services.

Program Costs

The total budgeted 1970-71 cost for Medi-Cal is $1,257,465,977, of which the state's share is to be $484,481,514. Of the total, $1,058 million is for the "cost of care", $53 million is for administration and $146 million goes to the counties under the "county option" device of state aid for county hospital costs.

The cost of care includes the following elements: physicians services, 19 percent; drugs, 7 percent; dental care, 5 percent; county hospital care, 15 percent; community hospital care, 21 percent; state hospital care, 4 percent; nursing homes, 22 percent; other services and costs, 7 percent.

Administration

There are three administrative elements within Medi-Cal: (1) the Department of Health Care Services and its contract employees in the Departments of Social Welfare, Public Health and Mental Hygiene; (2) county administrators who are employees either of the Department of Welfare or the Department of Public Health; and (3) the "fiscal intermediary group" of contract employees of California Blue Shield, Hospital Service of California (Blue Cross North) and Hospital Service of Southern California (Blue Cross South), which handle the disbursement of Medi-Cal funds to physicians for the state.

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INTERVIEW

Medi-Cal Chief Discusses Program

Dr. Earl W. Brian, 28, is Director of Health Care Services and responsible for the management of Medi-Cal, a billion dollar program which now covers more than two million Californians. This interview, edited to fit these pages, was conducted July 21st.

Journal: Can you tell us a little bit about how you happened to find yourself in this spot?

Brian: I came up in 1967 to join the Reagan administration, and I was Executive Secretary to the State Social Welfare Board for seven months. You might say that was sort of my apprenticeship in state government. I learned something about the welfare program and something about this agency and some of the programs going on inside it. Then I went into the military for two years, and at the end of my military tour in January of this year, the Governor's appointments secretary asked me if I was interested in coming back. Mr. Carel Mulder, the former director, was planning to retire at the time, and this seemed sort of a natural because many of the parts of this program are welfare-related.

Journal: Has your lack of experience in private practice and in public medicine been a drawback, or do you see this as primarily an administrative job?

Brian: While I didn't practice medicine exactly, I did practice medicine in a university setting and in a county hospital setting while I was going through medical school and after I finished medical school. So while I never owned an office in town and treated patients in a private office, I did have quite a bit of experience in patient treatment, and I, of course, had a lot of contact with individuals that were in a private patient setting. On top of that, my father practiced medicine for 30 years in North Carolina where I was raised.

To answer you directly, this job is primarily administrative, but you need background experience or at least information in a variety of areas. Even though I haven't practiced medicine, I know a great deal about the practice of medicine.

Journal: Do you feel yourself to be a representative of the administration in this department or a representative of this department serving the administration?

Brian: I think the role changes continuously. When I go to the cabinet to make presentations, I'm very mindful of what the administration wants before I go there, and usually have tailored my presentations to meet the expectations of the administration. As such, though, I'm often representing the program of the department and how it interrelates with federal regulations, and I have to interpret this for the administration. At other times I'm purely a representative of the administration when I'm out speaking on behalf of the administration, and I'm closely aligned with this administration.

Journal: How well do you feel Medi-Cal has done in meeting the objectives that were set for it when it was established in this state?

Brian: There's no question that a great deal of health care has been purchased for a large number of people. And there's no doubt this has done a great deal of good. Unfortunately, I think the program has grown so rapidly that other priorities of government which are important to California citizens have been threatened.

For example, this program is now bigger than the California highways program for the next year. We're bigger than the entire University of California education system. While no one will deny that health care for the indigent population is important, no one will deny that highways are important and, even more so, that education is important. So with this in the back of your mind I think you have to conclude that probably expenditures in this program have grown too rapidly or more rapidly than were anticipated and as such have over-achieved some of the objectives that were set out.

I think what we have to do, and we've been doing this now for the past four months, is exert every possible control we can exert in an attempt to make sure that we're getting a dollar's worth for a dollar spent. Now, once these controls are all applied and there are no more other controls to apply, I still think health care is expensive, and if you're going to buy health care then you are going to have to expect to pay a high price. I don't think it differs for the state of California any more than it does for you as a private citizen.

Journal: Could you describe briefly the management devices you've used to control the cost of the program?

Brian: That's quite a question. I'll take it area by area. First, on April 1st we predicted a $15 to $20 million deficit if something was not done. We instituted pre-admission authorization for non-emergency hospital admissions on April 1st. This has been quite effective in controlling the budgetary problem. As an offshoot from that, we went into an experimental plan with Sacramento County called the Certified Hospital Admissions Program (CHAP) which was developed by the Sacramento Medical Society, and we are now trying to implement that statewide. Where the local medical society control mechanism goes into effect in other parts of the state, pre-admission authorization will be deleted.

In the area of nursing home care, we have in the field now, in training, medical-social review teams which are teams composed of two social workers, two nurses, and a half-time doctor, and they go out and review every nursing home patient. They will try to move some of these patients to lesser cost facilities. This will be coupled with the intermediate care concept coming into effect on September 1st, which will allow more places for these people to go between the nursing home and the residential care facility.

In the drug area, we are considering a new method of reimbursing the pharmacist to make sure that he is reimbursed for the actual service provided. By this I mean, if an individual is delivering drugs to a home he'll receive more of a reimbursement than the individual that's not.

We had regulatory hearings on June 24th regarding medically needy eligibility. We really attempted to do two things here. One was to go to an administratively less costly mechanism for these people — in other words, put them on a quarterly certification period rather than monthly. And we wanted to see for certain that they were meeting their share of cost, so we put a very tight certification system in

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whereby the state unit will see that the cost is actually met before they become certified for receiving Medi-Cal benefits. At the same time we brought them down in line with what we think is consonant with the Department of Social Welfare and existing state law. We anticipate that when these regulations go into effect August 1st, about 50,000 people will initially go off the rolls, but within a six month period all but 10,000 will come back on. The primary people in the 10,000 are people who have rather large real estate holdings in excess of their home and $20,000 in market value real estate. So this is the type of person that will be bumped off the program on August 1st.

Hügo

Dr. Earl W. Brian

Journal: What have you learned about the possibilities for smaller scale, pre-paid health care plans from the experimental program in San Joaquin County?

Brian: This was a project whereby the state paid the medical foundation in San Joaquin County a certain amount per month per recipient to provide physician services. The difficulty arises from two problems: first, San Joaquin is different from any other county in the state, so it is difficult to compare San Joaquin with what's going on in Sacramento County; second, it's very hard to break out the actual expenditure statewide compared to what's going on in San Joaquin County. What we have learned over a period of time — and we've learned a great deal about how to conduct these programs — is the fact that you really have to widen your scope. We're now negotiating with them so that their new contract will cover all of the medical services.

Journal: But what have you learned about smaller scale prepaid programs as an alternative to a single statewide program?

Brian: We've learned quite a few things, but we haven't learned enough to say that this is the way to go or not. The reason is that from an experimental point of view and again, because of the changes in the major program here and controls that are being applied, it's hard to compare the two back and forth. What we do know is that in a closed panel situation like Kaiser the major saving is hospitalization. In the Kaiser system, I think the incidence of hospitalization is half what it is in the private community. So if you try to move prepaid systems into something like this — and really the essence of prepayment is to force people into controlling their activities — the question is, do they do it or do we do it, or does the federal government, or does the Legislature.

Journal: People in the Legislature who are particularly interested in smaller prepayment plans are concerned about the $5 million Lockheed Medi-Cal Management System. It looks to them like you are constructing a very costly and complex management system for a statewide program which you wouldn't later be able to disassemble.

Brian: Well, that's not really true. These are two different things. As a matter of fact, there is consideration being given to the prototype counties to combine a prepaid program in those two counties with the management system. The management system itself really is a markedly improved claims processing mechanism. Built into it are a number of utilization review controls that are instantaneous. They are all computerized, and they cross check one another.

Journal: Once you establish such a system for processing claims won't you be dissuaded by the fact of its existence from considering alternatives such as the smaller prepaid plans?

Brian: No, we won't be dissuaded at all. This thing now is 18 months away, and it's only an experimental plan in two counties. If, let's say, I decided today that we wanted to go statewide with Medi-Cal management, it would be five years before we could go statewide with it. While the experiment is being conducted with the Medi-Cal Management System, experiments are also being conducted with a bunch of prepaid plans.

Unfortunately, I think the prepaid small clinic concept today is very popular and as a result is getting a lot of push from a PR point of view that may not be totally founded. There is no question we have to have some kind of control mechanism implemented, but whether the way to go is a small prepayment contract, I can't say. What I can say is that we're not just going to pursue small prepaid plans and forget every other possible alternative.

Right now we're also exploring with the CMA a prepayment plan whereby they would take the responsibility. This to me makes a great deal of sense. If you look at the health dollar, about 85 percent is doctor-generated, but only about 15 percent is doctor-reimbursed. So the doctor's getting 15 cents of the dollar, but he is in essence responsible for another 70 cents. So I think that if you try to get the control away from the spark plug of the system, you're just hopelessly lost.

Journal: As a doctor, does it bother you that some people who may need health care are not getting it?

Brian: Sure, it bothers me that there are people all over the world that need health care that aren't getting it. There are people in California that are wealthy that cannot get it for a variety of reasons, and this bothers me. I don't see that the need for it has a whole lot to do with what you do. My job here is to provide as much to as many with the funds available. The fact is that the Medi-Cal patient is receiving more today than is the average citizen. In this state right now, we spend about $550 per year for a Medi-Cal recipient. The HEW report from last year across the country shows the average American citizen spending $247 a year for his health care.

Journal: What do you see in the future for health services of the state? What is going to happen in the next 10 years?

Brian: There are four major groups moving around Washington trying to go to straight national health insurance. One of the proposals pretty much leads to the system of health care delivery as it is. On the other end of the spectrum, there's a proposal that just came out last week from the Committee on National Health Insurance, with their acutal goal, stated clearly in the preamble, to change the delivery of health care drastically. I'm not sure this iconoclastic point of view is the best. You're not going to talk physicians en masse into changing tomorrow from a private practice setting to a clinic setting — you're not going to do it. The fact is, though, that tomorrow you and I and every other citizen are going to have health care demands that have to be met. So I say that's fine, if there's a new sytem we're going to need let's try to develop one, but in the meantime let's devise something where everybody can receive his health care at a reasonable cost and be assured of the fact that he is going to have access to good health care.

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THIRD HOUSE

Coalitions on Franchising Disclosure

The franchising of business opportunities is a well-established practice in the American economy. Typically used by a manufacturer to furnish outlets for his product, it has long been the dominant form of distribution in some fields, including new car and gasoline sales and soft-drink bottling. For the franchisor, the system provides local outlets with a direct financial stake in promoting his product, a reduction in capital requirements for distribution, and partial insulation from the costs of failure. The franchisee in return hopes to start a business of his own with expert assistance from the parent company and access to the product.

Comparatively little law apart from the general law of contracts now regulates the franchise relationship, although the California Legislature has been urged from time to time to intervene in various aspects of it, primarily in the automotive field. However, the recent national proliferation of franchising as an industry itself, its rapid expansion in areas such as food retailing, and highly visible failures by both franchisees and their franchisors have caused all levels and branches of government to take a new hard look at the need for regulation. The Federal Trade Commission has already undertaken an investigation of franchising practices, and disclosure legislation is pending in Congress.

Proposed Legislation

In California, the Commissioner of Corporations and the Attorney General have collaborated with the Senate Insurance and Financial Institutions Committee on legislation, SB 647 (Bradley) and an identical bill, AB 1309 (Knox), to provide prospective investors with more extensive and reliable information on franchises offered for sale. The bill has the support of the International Franchise Association (IFA), representing most of the major, well-established national franchisors, who have an obvious stake in halting the activities of "fast buck" franchise promoters. A number of major industries are not covered by the bill because they do not charge for the franchise, while other firms are exempt from registration provisions (although covered by other requirements) because of their size and business history.

The Bradley-Knox bills are modeled on the disclosure provision of the Corporate Securities law of 1968 (which incidentally covered some specialized types of franchise arrangements). A franchisor must register with the Corporation Commissioner at least 15 days before selling franchises in California. Registration requires a $200 fee and submission of a prospectus detailing his business history and franchising program. The franchisor must also reveal the nature and use of the franchise fee and related charges, any requirements for purchase of goods or supplies, franchise termination provisions, and the terms of compensation to celebrities for promotional purposes. In addition, all prospective franchises must be given a copy of the prospectus, together with all other necessary papers, at least 48 hours prior to any sale. The commissioner's office is also authorized when necessary to impound funds received from a sale until the franchise is actually ready for business. The right to sell franchises under the proposal is restricted to persons listed by the registrant or registered under the Corporate Securities Act, and licensed real estate brokers and salesmen. Persons previously convicted of business-related crimes may be banned at the discretion of the commissioner.

When problems occur through new uses of an old business practice, pressure develops in government to correct them. If dominant firms in the industry recognize the problem as potentially injurious to themselves and cooperate with government in achieving a solution, that solution often sanctions the traditional practices of these firms and makes changes applicable only to new arrangments and practices. From government's standpoint such a coalition usually assures passage of moderate reforms in spite of opposition by any "bitter-enders" in the industry, sacrificing in the process some of the original demands of aggrieved parties.

Although the proposal is mainly preventive in intent and focuses upon the initial sale of the franchise, it also contains some provisions to deal with problems which may arise later. Willful misrepresentation either in the registration process or in actual sales is subject to criminal penalty, and, perhaps more important, incurs civil liability. In addition, a franchisee may recover damages attributable to any material misstatement or omission in the registration application without the necessity of proving intent to defraud.

Franchise Owners

Despite its support by IFA, the Bradley-Knox package is considered unsatisfactory by other groups representing franchisees and frachisors. The newly formed California Franchise Owners Association has its own legislative package consisting of 23 bills introduced by Assemblyman Newton Russell and Senator Tom Carrell. This package differs from the Bradley-Knox bills in that, in addition to regulating the sale of franchises, it extends to the prohibition of various types of franchisor practices, including discrimination between franchisees, territorial infringement, restriction of the right to obtain goods and services elsewhere, and regulation of work schedules. These provisions are considered by franchisors to be unnecessary restrictions on the prospective right to contract, however, and invalid to the extent they infringe on existing contracts. None of the bills has been approved by committee, and Senator Carrell, a franchised automobile dealer himself, has authored a resolution (SCR 39) to create a joint legislative committee to study franchising further.

In the meantime the Bradley-Knox bills have each passed the house in which they originated. In doing so they appear to have survived an attack from a second group of franchisors, headed by a San Mateo credit card businessman, J. Clifford Heater, on the grounds that even prospective disclosure constitutes unjustifiable government infringement with private enterprise. Heater's own franchising practices have recently come under fire from the Federal Trade Commission. With the support of a Republican governor and a Democratic attorney general, as well as many of those who will be subject to regulation, one of the bills, (probably SB 647) is likely to become the first comprehensive law in the country on this subject.

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Utility Tax Bill Sparks Lobby Duel

California, like many other areas, takes a pluralistic approach to the question of public or private ownership of power development and distribution facilities. Jockeying between representatives of these two well-established interests is a continuing reality of California politics. Thus, a proposal to impose a 14 percent tax on power sold by municipally owned utilities triggered one of the most spectacular intra-lobby donnybrooks in recent years.

AB 908, introduced by Assemblyman William Bagley, Chairman of the Committee on Revenue and Taxation in the lower house, pitted private utilities, led by PG&E, San Diego Gas and Electric and Southern California Edison, against publicly owned utilities, led by the California Municipal Utilities Association (CMUA), in a head-to-head duel, with each side seeking satellite support. The bill moved out of Bagley's committee, but after failing several times to muster enough votes in the Committee on Ways and Means, Bagley announced on July 14th that he was dropping the bill for the session. A companion measure, SB 688 (Burgener), was never activated in the Senate.

Revenue for Schools

AB 908 would have levied an excise tax of 14 percent on the operating revenues of government-owned utilities. The 14 percent figure was designed to equal the percentage of operating revenue which private utilities now pay in state and local taxes. Estimated revenue for 1970-71 was $28.5 million. The bill provided that 90 percent of this money was to go to school districts in the public utility service area and ten percent was to go to the State School Fund for all schools.

The privately owned utilities have long resented the tax exemptions (especially on property) enjoyed by publicly owned utilities, and have advocated their elimination (which would require a constitutional amendment). The publicly owned utilities defend the exemptions on the grounds that by encouraging public ownership of utilities the state also promotes the economic development of the areas served, thereby increasing their taxable wealth. In addition, they contend that the state provides itself with an important yardstick for judging the rates charged by private utilities.

The publicly owned utilities also argue that a special tax such as that in AB 908 would have to be passed on to local power users in the form of higher rates, offsetting any possible reduction in individual property tax bills attributable to increased tax revenues, leaving the local taxpayer no better off. They also believe that by offsetting the total of state and local taxes, and then allocating all the resulting revenue to education, the proposal actually overcompensated the affected local school districts.

When two well organized traditional opponents lock horns in the legislative arena over what each considers a "gut" issue, anything can happen. Both sides work hard to involve other groups and individuals in their behalf, a situation frequently uncomfortable for other lobbyists as well as legislators. The committee system can operate as a safety valve for these pressures by stopping such measures short of a house vote. In any event, the advantage in an even match is generally with the defense, which has to win only once in the five-to-seven step legislative process (one or two committee hearings in each house, two floor votes, and the governor's approval) in order to prevail.

Large vs. Small Users

Assemblyman Bagley believes that the existing property tax exemption permits basic inequities unrelated to the public versus private power issue. He argues that there is not only a tax inequity between the two types of utilities but also between large power users and local taxpayers who do not use large amounts of power. It is possible, he contends, for large power users to benefit by low cost power but to escape higher local tax rates which would balance that gain. On the other hand, since the boundaries of local taxing jurisdictions and utility service areas are not coterminous, it is also possible for taxpayers to be outside low cost service areas and still subject to the balancing tax rates.

Supporting the bill, in addition to the major private utilities, were Governor Reagan, a large number of local Chambers of Commerce, the California Taxpayers Association and many local taxpayer organizations (who generally oppose tax exemptions), school districts (mostly in affected areas), and a good number of cities and counties who fear the loss of local tax base which results if industry is lured away by lower power rates offered by competing public power municipalities.

Aligned against the bill, in addition to the CMUA, are the League of California Cities (which has its own utility user tax proposal), public power municipalities including San Francisco and Los Angeles, the California Manufacturers Association (because of potential increases in power costs), the Irrigation Districts Association which fears water may be taxed next, a number of labor unions, consumer groups, and Assembly Speaker Robert Monagan. Newspaper opinion is divided.

Both factions were active not only in seeking Sacramento allies, but also in generating extensive expressions of grass roots support. Because of its nature, the bill badly split many communities. For example, the City Council of Lodi (a public power city in Monagan's district) opposed the bill, but the school board and local newspaper supported it.

Another Storm Brewing

Public power area legislators who breathed a sigh of relief when Bagley finally dropped the bill may have found the respite short-lived, for the publicly owned utilities are also in the eye of a similar storm on a bill to require public agencies to put certain construction work out to bid for private contractors. The bill, AB 991 by Assemblyman Ken MacDonald passed the Assembly 42-28 on July 22nd and would place a limit of $3,500 on construction and maintenance work performed by local governments and special districts. The bill is supported by a coalition of contractor organizations, building trade unions, taxpayer and business organizations, and organized newspaper publishers, and opposed by the CMUA and individual local bodies, particularly the counties of Los Angeles and San Diego. MacDonald has cumulatively accepted a series of amendments designed to exempt a variety of particular agencies and jobs, but the basic issue remains one of the desirability of government performing work that private enterprise wants to do.

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Two-thirds Bond Vote Held Invalid

On June 30th, the California Supreme Court unanimously declared that the state's two-thirds majority requirement in local bond elections is unconstitutional under the 14th Amendment to the US Constitution. The decision invalidated Section 18 of the California Constitution which required a two-thirds vote before debts could be incurred by a city, county or school district. Unfortunately for districts which have lost bond elections in the past because of the requirement, the court's decision was made prospective — for future elections only.

The court challenge to the two-thirds vote requirement began slightly over a year ago. On May 20, 1969, a bond election was held in the Yuba City Unified School District in which 57 percent of the voters approved $4.5 million worth of school bonds and 43 percent disapproved. Under the law the bonds had failed, but a challenge was initiated immediately by 10 farm worker families who, with the help of California Rural Legal Assistance, filed suit in the Sutter County Superior Court seeking to compel the school board to sell bonds in accordance with the majority vote. The basis for the challenge was that the two-thirds requirement violated the equal protection guarantee of the US Constitution by giving each negative vote twice the weight of each affirmative vote. Plaintiffs were represented by John F. Moulds, III, director of the Marysville office of CRLA, who continued with the case after leaving CRLA for private practice.

Sutter County Superior Court Judge John Hauk ruled for plaintiffs, and the case was appealed to and then taken directly by the California Supreme Court. When it reached the Supreme Court, additional cases were filed by San Francisco and Los Angeles attorneys.

Court's Opinion

The court's opinion, written by Associate Justice Raymond L. Sullivan, dealt first with the historical basis for the two-thirds requirement. "The records are clear," Justice Sullivan wrote, "that the local referendum requirement was adopted in response to widespread local mismanagement. However, we have been unable to discover from the records of the Constitutional Convention or from contemporary judicial opinions, why a two-thirds vote requirement, rather than that of a simple majority, was adopted."

In any case, Sullivan wrote, "Much water has gone under the bridge since the 1870's and we may not resolve this problem by applying the standards of that era ... The constitutionality of Article XI, Section 18, must be determined not only in light of the need for and effect of the provision under present conditions, but also in light of the greatly expanded protection we have afforded to the right to vote."

The court then went on to discuss the special protections which have been gradually expanded to cover the political process. Placing particular emphasis on reapportionment cases and upon two recent Supreme Court cases in which persons had been excluded from certain local elections if they did not own property, the Court concluded that the two-thirds requirement did not treat voters equally and, therefore "is valid under the equal protection clause of the 14th amendment if, and only if, it can be shown necessary to promote a compelling state interest."

This phrase, "necessary to promote a compelling state interest" was the central point of oral argument before the court on May 15th of this year. The court summarized the opposing briefs in these words: "Stripped of rhetoric, [defendant's] contention is that it is necessary to permit a minority to hold veto power over a proposed bond issue approved by a majority of the local legislative body and a majority of their fellow citizens in order to prevent such bonded indebtedness from reaching levels that would necessitate either foreclosure or repudiation. [They] implied that the two-thirds vote requirement is all that stands between the state and either immediate financial catastrophe or ultimate collapse of its political subdivision under crushing burdens of debt foolishly incurred by a reckless or malevolent popular majority. There is no support for [their] ... position. On the other hand, we find persuasive [plaintiff's] argument that it is no longer necessary to restrict citizens' voting rights in order to protect society from financially irresponsible accumulation of bonded indebtedness by local governments."

In support of this argument, the court agreed that local financial management and bond market information are both much improved since 1879 and that in those states which do not have a two-thirds rule, local bonds are no less sound for that fact. Moreover, the court found that the devices which have been employed to evade the two-thirds bond rule, such as lease-purchase financing, are generally more costly and less "sound" than general obligation bond financing. Finally, the court observed that the property-holding minority had become the great majority and no longer needed the special protection afforded by the two-thirds requirement.

Impact for Schools

The impact of the California decision is still somewhat unclear. It is to be expected that there will be some uncertainty in the bond market until either the US Supreme Court decides the issue or bond attorneys and bond buyers decide to accept the opinion of the California Supreme Court. In recent years approximately one-half of the school bond issues offered have failed to achieve the two-thirds rule, but in excess of 90 percent have received majority approval. If these bond issues are resubmitted to the voters with similar results, this could yield as much as $250 million in new school construction money each year for several years.

School districts however, do not see this as a major solution to their current financial problems. For one thing local voters may no longer be willing to give even a majority vote for school bonds. But more importantly, with school enrollment growth rates dropping off in most areas, new construction is not as pressing as it once was.

The two-thirds or "extraordinary majority" issue is headed for a hearing next fall before the US Supreme Court. That court has agreed to hear a case from the highest court of West Virginia which held unconstitutional a 60 percent majority requirement in the school finance area. The unanimous opinion of the California Supreme Court, which has for many years been the most reflective state court in the nation, should figure substantially in the hearing on the West Virginia case.

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FEATURE

Growing Revenue Gap Stymies Cities

Local jurisdictions in California — counties, cities, schools and special districts — are joining in a rising chorus of anguish as they contemplate a growing "revenue gap" which leaves them dangling precariously between increasing costs and demands for services and the realistic expenditures which can be supported by the local property tax base.

California Journal *intends to focus on the revenue problems confronting local governmental agencies and school districts. The series begins in this issue with a survey of the financial impact of the state's revenue policy on city government.*

Trapped by a five-pronged pinch resulting from spiraling inflation with resulting pressure for wage increases, a demand for more and new public services, a lack of new revenue sources, additional state and federal mandated expenditures, and extreme public resistance to property tax hikes, the frustration of California's municipalities has reached crisis proportions.

Faced with this mounting crisis, California cities have embarked upon an ambitious program to find new sources of revenue. Through their lobbying arm, the League of California Cities, they have elected to pursue the traditional approach by seeking enactment of state legislation. In contrast to the efforts of the County Supervisor's Association and the state's local education organizations, which failed in their attempt to circumvent the Governor and the Legislature through the initiative campaign to pass Proposition 8 *(California Journal,* March 1970, pages 70-71), the cities are relying on a less dramatic approach to achieve new revenue.

Four Revenue Sources

The League had requested that four additional sources of revenue be made available to cities by the state. Included were:

- A utility users' tax which would permit general law cities to impose a tax of up to five percent on the users of gas, electricity, water, telephone, and community antenna television. Thirty-three charter cities with 50 percent of the population of incorporated cities have already imposed a form of the tax;
- A special surcharge on personal or corporate income taxes, or both, which are reserved for state revenue needs;
- The pledging of the continuing revenue resulting from the adoption of a plan for the withholding of personal income taxes;
- An increase in the combined sales and use tax rate and an extension of the sales tax base to personal services.

The League also joined other local agencies in asking for some kind of federal revenue sharing plan, preferably based on federal tax credits rather than on bloc grants to the state.

Instead of benefiting from the Governor's major tax legislation which includes withholding and sales tax provisions, cities have been forced to take the defensive in order to prevent state taxation of municipal electrical utilities (see page 201) and the passage of legislation designed to increase local outlays to pay salaries and benefits of public safety employees. Their proposal to impose the five percent utility tax embodied in SB 1213 by Senator Albert Rodda, and proposed as an amendment to the Governor's tax package, never had a chance.

In declaring "a municipal fiscal crisis", cities have attempted to document four central points through surveys circulated among local city officials. The League will soon be releasing data to prove that:

- Annual expenditures in most cities have grown at a faster rate than municipal revenues, making it increasingly difficult to maintain present service levels;
- In the past decade, cities have not received substantial assistance, either in the form of additional revenue or revenue raising authority;
- An additional $300 million has been conservatively estimated as the amount cities will need from property tax increases or from new sources of revenue in 1970-71 in order to continue existing services at present levels;
- Failure to provide an improved revenue base for cities and the continued widening of the municipal revenue gap has created problems which in many communities are now approaching crisis proportions.

In support of their claim that the gap between expenditures and revenues has reached a critical phase, the League maintains "numerous cities now find themselves confronted with the necessity of laying off existing employees, a situation that has never occurred in the history of municipal government in California." For the first time in many years, serious discussion of the merits of bringing public employees under the state's unemployment insurance program is taking place.

Effects of Squeeze

The squeeze on local resources has resulted in "a basic inability to fill vacant and authorized positions, a serious depletion of emergency reserves and capital outlay funds, continuing curtailment of existing services, and a general lack of ability to respond to the social problems existing in their communities," according to the League of California Cities.

Since 1966 and the arrival in Sacramento of Governor Reagan, cities have been granted two minor revenue sources — the cigarette tax and a portion of the real property transfer tax — which in the first year produced $41 million. Expenditures, however, have far outstripped the modest gains in revenue. In 1967, the increase in city expenditures rose by $149 million; in 1968, outlays went up by the same amount plus an additional $211 million. It must be assumed that the property taxpayer absorbed the difference.

Partially in response to complaints of a tight-fisted policy toward municipalities, Governor Reagan threw his support behind attempts to legalize the so-called "Tippler's

(Continued on next page)

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CALIFORNIA CALENDAR

August 6 — **San Francisco Bay Conservation and Development Commission.** Rm. 1194, State Bldg., 455 Golden Gate Ave., San Francisco. 2:00 p.m.

State Water Resources Control Board. Rm. 1131, Resources Bldg., Sacramento. 10:00 a.m.

August 14 — **Commission on Navigation and Ocean Development.** First Floor Auditorium, 714 P St., Sacramento. 9:00 a.m. to 5:00 p.m.

August 19-20 — **California Highway Commission.** Public Works Bldg., 1120 N St., Sacramento. 10:00 a.m.

August 20 — **San Francisco Bay Conservation and Development Commission.** Rm. 1194, State Bldg., 455 Golden Gate Ave., San Francisco. 2:00 p.m.

Wildlife Conservation Board. Main Floor Auditorium, Resources Bldg., 1416 9th St., Sacramento. 2:00 p.m.

August 20-21 — **Department of Social Welfare.** Auditorium, Human Resources Development Bldg., 722 Capitol Mall, Sacramento. 9:00 a.m.

August 25 — **State Soil Conservation Commission.** Auditorium, Resources Bldg., 1416 9th St., Sacramento. 9:00 a.m.

August 26 — **State Department of Health Care Services Health Review and Planning Council.** Auditorium, Office Bldg. 9, Sacramento. 8:00 a.m.

August 27-28 — **Constitutional Revision Commission.** Hanalei Hotel, San Diego. 10:00 a.m.

(Continued from previous page)

Tax", a five percent tax on liquor sold by the drink. A state appeals court has ruled that the state has preempted the right of cities to impose the tax in a decision which, according to the LCC, "strikes at the heart of home rule" because it is the first time that the Legislature has preempted any field of charter city taxation. Although only five cities currently have tippler tax ordinances, many cities have viewed the tax as one of the few remaining sources of local revenue. Despite the Governor's backing, a bill by Republican Assemblyman Robert Beverly to permit the levying of the tax was promptly killed by the Assembly Revenue and Taxation Committee.

In the aftermath of the bill's defeat Richard Carpenter, Executive Director of the League, sent an urgent bulletin to local officials which reflected in tone the League's deep concern.

"It is apparent that between now and the next session of the Legislature cities, city officials and their League have an enormous educational problem to undertake with respect to both members of the Legislature and legislative candidates."

PEOPLE IN THE NEWS

APPOINTED

Dr. Norman A. Baxter, 45, Academic Vice President of Fresno State College, as President of the college by the Board of Trustees of the California State Colleges.

Dr. John H. Bunzel, 46, Chairman of the Political Science Department at San Francisco State College, as President of San Jose State College by the Board of Trustees of the California State Colleges.

Senator Clair W. Burgener, 49, of San Diego, as a member of the President's Committee on Mental Retardation, an advisory body evaluating the nation's progress in combating retardation, by President Nixon.

King E. Durkee, Director of Education for the Copley Newspapers Press, to a four-year term on the Board of Governors of the California Community Colleges by Governor Reagan.

Anthony P. "Dutch" Hamann, former City Manager of San Jose, to the California Commission on State Government Organization and Economy (the Little Hoover Commission) by Assembly Speaker Bob Monagan.

William C. Hern, 55, as Director of the Department of Industrial Relations by Governor Reagan. Hern, who joined the department in 1967, has served as acting director since 1969.

Donald F. Pinkerton, 37, former Mayor of Fairfield, as Assistant Director of the Department of Housing and Community Development by Director Charles LeMenager. Pinkerton was defeated as GOP candidate for the State Assembly in 1968 and for the State Senate in 1970.

William Byron Rumford, 62, former Democratic Assemblyman for 18 years, as Assistant Director of the Federal Trade Commission's Bureau of Consumer Protection by FTC Chairman Caspar Weinberger. Rumford was the author of the state's fair housing legislation.

Lewis K. Uhler, 36, as Director of the State Office of Economic Opportunity by Governor Reagan. Uhler was formerly a member of the California Law Revision Commission and Administrative Assistant to Congressman John Rousselot.

Assemblyman Pete Wilson, 36, of San Diego, to a three-year term on the President's Citizen Advisory Committee on Environmental Quality by President Nixon.

ELECTED

William French Smith, 53, of Los Angeles, Governor Reagan's personal attorney, as Chairman of the Board of Regents. Smith was appointed to the Regents by Reagan in 1968.

RESIGNED

Charles R. LeMenager, 44, as Director of the Department of Housing and Community Development. The former Mayor of Santa Rosa was appointed in 1967 by Governor Reagan. LeMenager will become Executive Vice President of San Diego Country Estates, a land development firm.

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LETTER FROM WASHINGTON

House Goes on Record

July 29, 1970

In the famous passage of *Morte d'Arthur* where the dying king muses about the changing of the old order, he philosophically accepts the necessity of fundamental change "lest one good custom should corrupt the world."

It occured to me this week, while the House indulged itself in reform and talk of reform, that a modern Arthur privileged to serve in the unlikely Camelot of Congress might less certainly proclaim the inevitability of change. Even so, he would have no reason to doubt his own wisdom about customs, one of which at last became too much even for a House leadership that worships peripheral traditions and that celebrates a studied resistance to reform.

The custom in question is known as "teller voting" and is the practice whereby the House conducts anonymous votes when meeting as a committee of the whole by having its members file down the center aisle to be counted by two members. The committee of the whole, as a Democratic Study Group report on teller voting would have it, is "a procedural fiction which allows the House to function under less stringent requirements that otherwise would be necessary." A quorum of the entire House, for instance, is the virtually unattainable 218 votes provided by the US Constitution, while 100 members serve as a quorum in committee of the whole.

Both the committee-of-the-whole device and the anonymous voting that accompanies it are relics of a bygone England where an inventive Parliament protected itself from a monarch less philosophical and more retributive than the legendary Arthur. The procedures allowed Parliament to continue its struggle against a 17th century king while shielding the identity (and sometimes the lives) of its individual members.

Teller voting is a classic example of how institutional habits of secrecy outlive the conditions of their creation. When Congress came into existence, the British Parliament still pursued the practice of teller voting, and it was faithfully copied by the infant republic. But it was not discarded by the House when the now-secure Parliament did away with teller voting in 1830.

Teller voting has been a frequent irritation to congressional reformers, most of whom have previously failed to generate anything approaching public support for its removal. This year, however, the teller issue became entwined with the efforts of anti-war groups to pin down their representatives on the issue of American involvement in Indochina. When the anti-war cadres tried to find out how their elected representatives had voted on teller questions — or, more typically, if they had voted at all — they were told that it was none of their business or, in some cases, that congressmen "couldn't remember" how they voted.

Thus the concern of those who believe in legislative reform for its own sake became briefly wedded to the concern of those to whom the only issue is the war. This provided the breeding ground for a reform that could not otherwise have been accomplished. The legislative reorganization act that subsequently came before the House provided the opportunity to accomplish that reform.

Great issues do not necessarily provoke great debates. By the time the oft-delayed teller issued was trundled out members were vying with one another for political credit in speeches in which they also denied that they were "reformers," a term that is one of opprobrium to the House leadership.

The basic reform of the teller system was embodied in an amendment to the lengthy Legislative Reorganization Bill by Rep. Thomas "Tip" O'Neill and Rep. Charles S. Gubser of California that provides for a checkoff and hence an individually recorded teller vote when 20 members demand one. Rep. H. Allen Smith, another Californian and the ranking Republican on the House Rule Committee, moved a substitute providing for electronic voting that provoked suspicion among the reformers, many of whom considered the proposal an attempt to "improve" their amendment beyond any hope of passage. The Smith substitute also aroused hostility among those House old guardsmen who regard electronic voting devices as infernal machines.

However, the substitute served the useful purpose of prompting a change in the O'Neill-Gubser amendment which allows for ultimate use of electronic devices, presumably whenever someone is able to convice the leadership that Ben Franklin survived electrocution during his kite-flying escapade.

The day after the House by voice vote scrapped the anonymous teller system, members turned their attention to a proposed amendment dealing with the more subjectively-valued custom of seniority, a procedure that is nowhere to be found in House rules. Contrary to popular belief, seniority is essentially a 20th century practice and developed as a counterweight to speakership autocracy. Its relatively recent origin is easily overlooked, however, since the present leadership often confuses the custom with the divine right of kings.

"We're in danger of becoming as anachronistic as the House of Lords," cried Rep. Allard K. Lowenstein (D-New York) in a plea for a change in the seniority system. "That's quite an achievement considering we're an elected body and they're not."

But the House was impervious to Lowenstein's gibes, the most timely of which was a remark that "even Societies which worship their ancestors don't necessarily make them committee chairmen." Speaker McCormack denounced the two mild anti-seniority proposals before the House as "dangerous" and most of the teller vote reformers went along, partly out of a conviction that the measure was already too weighted with beneficial amendments to survive final passage.

"It's the last well-meaning amendment that kills the bill," declared Gubser, who declared he favored the reform but was voting against it on "practical" grounds.

Indeed, two reforms in as many days would have taxed the credulity of those observers who, to paraphrase Speaker McCormack, hold the House in minimum high regard.

While the old order is certainly changing and changing for the better, the once-good customs that have long corrupted the House of Representatives are dying hard.

Lou Cannon

Lou Cannon

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Selected State Government Reports

EDUCATION

A Study of the Processes of Textbook Selection, Production, and Distribution. Office of the Legislative Analyst, Sacramento, 1970, 36 pages.

Report on the Distribution of Grades. University of California, Office of the President, Berkeley, July 1970, 110 pages.

Reorganization of Large Urban School Districts. prepared for Joint Committee on School District Reorganization by Arthur D. Little, Inc., Los Angeles, 1970, $3.00. Available from the committee, State Capitol, Sacramento.

Property Tax and Expenditure Controls in Local School Districts. Office of the Legislative Analyst, Sacramento, 1970, 43 pages.

Enrollment in California Public Schools, Spring and Fall, 1969. Department of Education, Sacramento, 1970, 40 pages.

An Alternative to the Use of Simplistic Formulas for Determining State Resource Allocation in School Finance Programs. Institute of Governmental and Public Affairs, University of California, Los Angeles, 1970, 22 pages.

Evaluation Summary of Compensatory Education in the California Youth Authority, 1968-69. Department of Youth Authority, Sacramento, May 1970, 75 pages.

Fiscal Outlook Analysis for Education. Institute of Governmental and Public Affairs, University of California, Los Angeles, 1970, 20 pages.

ENVIRONMENT

Methods of Air Pollution and Industrial Hygiene Studies. University of California Conference Report, Department of Public Health, 2151 Berkeley Way, Berkeley, 1970.

A Position Paper in Response to the Assembly Select Committee on Environmental Quality Report on the "Environmental Bill of Rights". California Chapter of the American Institute of Planners, 559 Pacific Avenue, San Francisco, 1970, 10 pages.

Public Hearing on the Protection of the Public Interest in California Coastline. Assembly Committee on Natural Resources and Conservation, Sacramento, 1969, 702 pages.

Hearing on Coastal Zone Legislation: Transcript of Proceedings. Assembly Committee on Natural Resources and Conservation, Sacramento, May 1970, 112 pages, $4.00. Available from Assembly Rules Committee.

The California State Water Project in 1970: Appendix D — Costs of Recreation and Fish and Wildlife Enhancement. Bulletin Number 132-70, Department of Water Resources, 1416 9th Street, Sacramento, May 1970.

Recreational Parks and Beaches: Peak Demand, Quality and Management. Institute of Governmental Affairs, University of California, Davis, April 1970, 37 pages, $1.50.

California Solid Waste Planning Study — Vol. 2, Final Report: A Program for Solid Waste Management in California. Department of Public Health, Sacramento, 1970, 37 pages.

Open Space for the San Francisco Bay Area: Organizing to Guide Metropolitan Growth. Institute of Governmental Studies, University of California, Berkeley, 1970, 85 pages, $2.50.

Public Acquisition and Disposal of Lands as a Means of Development Control: Policies for the 70's. Institute of Governmental and Public Affairs, University of California, Los Angeles, 1970, 21 pages.

Legislation 1970: An Index of Environmental Legislation. Planning and Conservation League, 909 12th Street, Sacramento, 1970, 15 pages.

HEALTH AND WELFARE

Medi-Cal: The California Medicaid Program (Title XIX) 1966-67. Institute of Governmental Studies, University of California, Berkeley, 1970, 71 pages, $2.00. Origin of problems in the administration of the Medi-Cal Program.

Questionable Claims Under the Medicaid Program for the Care of Persons in State Institutions for the Mentally Ill in California. U.S. Comptroller General, Washington, D.C., May 1970, 32 pages.

A Department of Health for California. Comprehensive Health Planning Unit, 744 P Street, Sacramento, Feb., 1970, 146 pages. A task force report on the reorganization of health and welfare services in California.

Medically Needy Point-in-Time Study. Department of Health Care Services, Sacramento, 1970, 24 pages. Socio-economic characteristics of medically needy families.

Welfare to Wages: A Synopsis of Job Reports Submitted by the Work Incentive Program Staff. Department of Human Resources Development, Sacramento, March 1970, 9 pages.

MISCELLANEOUS

Proposed Revision of the California Constitution, Part 3, Articles XVI, XX, and XXVI. Constitutional Revision Commission, State Building, San Francisco, June 1970, 52 pages.

Hearings and Reports of Committees of the California Legislature During the 1967-69 Interim: A Summary and Listing. Assembly Rules Committee, Sacramento, May 1970, 112 pages, $4.00.

1970 Guidebook to California Taxes. Russell S. Bock, Commerce Clearing House, 4025 W. Peterson Avenue, Chicago, Illinois 60646, 1970, 404 pages, $6.00. Special emphasis on relationship to federal taxes.

California Law Enforcement Telecommunications Systems. Department of Justice, 3301 C Street, Sacramento, 1970. Description of the nation's largest statewide computerized law enforcement information and data transmission system.

Public Hearing on California Protective Labor Laws for Women. Assembly Committee on Labor Relations, Sacramento, Feb. 1970, 82 pages. Available from Assembly Rules Committee.

Advance Land Acquisition by Local Government: A Cost Benefit Analysis. Institute of Governmental and Public Affairs, University of California, Los Angeles, 1970, 60 pages.

Effects of Riots on Negro Leadership. Institute of Governmental and Public Affairs, University of California, Los Angeles, 1970, 18 pages.

The Eighteen-Year-Old Vote. Institute of Governmental Studies, University of California, Berkeley, June 1970, 4 pages.

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POLITICAL ROUNDUP

GOP Again Wins Special Elections

On Tuesday, June 30th, California elected two members of the John Birch Society to Congress. Their conservative affiliation was headlined nationwide. "Kookie California has done it again" probably ran through the minds of readers throughout the nation as they contemplated the victories of 42-year-old John Rousselot of San Marino and 39-year-old State Senator John Schmitz of Tustin, both Republicans. The important story, however, occurred in the June 2 primary when Rousselot received only 40 percent of the vote, almost losing to an amateur of moderate persuasion in a district that is one of the most conservative in the state. And with his name recognition and ballot designation, Schmitz may well have won easily even if he had been the most liberal Republican in the state.

The brief special election runoff campaigns waged in the middle class regions of Orange, San Diego and eastern Los Angeles Counties were anti-climatic. In the 24th District, the extent of Rousselot's fingernail victories over Dr. William McColl of Covina (33 votes in the primary and about 2,000 in the first special election to fill the remainder of the current term of the late Congressman Glenard Lipscomb) was finally decided on July 10th when McColl ended a primary election recount. The Republican nomination in the 55.7 percent GOP stronghold is equivalent to general election victory in the district, which gave Lipscomb 72.8 percent of the vote in his 1968 contest with Claremont College professor Fred Warner Neal an anti-war Democrat. As expected, Rousselot won an easy two-to-one victory over Mrs. Medgar Evers, 37, assistant director of the Center for Educational Opportunity at Claremont. The unofficial tally: Rousselot 62,558; Democrat Evers 29,121. The two will face each other once more in November.

The irrepressible Schmitz, who was known in Sacramento as "the Bircher with a sense of humor," had even less trouble disposing of his opponent, Santa Ana college professor David Hartman. Schmitz, who fell only a few votes short of an absolute majority in the special election, beat Hartman in the run-off 67,077 to 27,176, to serve the remaining months of the last term of the late Congressman James Utt. The 35th District, which includes much of rural San Diego County as well as South Central Orange County, is 60 percent Republican in registration and had elected Utt, who was as conservative as Schmitz although not an active Birch Society member, with 75 percent of the vote. He is heavily favored over Santa Ana businessman Thomas Lenhart in the November election.

Gaining a seniority advantage over Rousselot by flying immediately to Washington to be sworn in, Schmitz continued to show the feisty style that made him "hot copy" in California. During his first month in the nation's capitol, he placed himself in the middle of an internal administration squabble over the appointment of W. Byron Rumford (see page 204). Along with Senator Murphy, White House aide Murray Chotiner and Civil Service Commissioner James E. Johnson, former California State Director of Veteran's Affairs and an Orange County friend of Schmitz, the President's congressman has spearheaded an attempt to get the appointment dropped. Caspar Weinberger, now deputy budget director to President Nixon, who nominated his old California legislative colleague, seems to be Rumford's sole Republican backer.

According to Schmitz, who got 13 of his 17 California Republican House delegation to protest the appointment in a letter to the President, "There are lots of faithful Republican black men who would like a job like the one given Rumford." Johnson, a black ex-marine officer said he objected to Rumford's categorization of Negro Republicans as "lackeys and Uncle Toms." Ironically more militant black Democrats have been heard to use the term in regard to the former Assemblyman himself.

Schmitz' departure from Sacramento reduced his party's margin in the State Senate to a 20-19 majority. GOP State Chairman Dennis Carpenter of Newport Beach, who won the Republican nomination to replace Schmitz in the 34th Senate district, is a certain winner of the August 18th special election to fill the current vacancy. Douglas Irvine of Santa Ana, Carpenter's sole opponent in the special election, withdrew from active participation in the race on July 30th and threw his support to the party leader.

Since Dwight Mize, his Democratic rival in November, did not file for the contest, Carpenter is assured of a victory.

The Orange County attorney could arrive in time to help resolve the tax reform stalemate or any other remaining partisan quarrels, if the Senate has not adjourned by August 19. Regardless of his impact on the 1970 session, the third house and fourth estate can be expected to keep a keen eye on him, because he is expected to be a central figure in the Senate's internal struggle over leadership next year. Carpenter has been counted by some as a member of the "Young Turk" faction, unlike his predecessor, who voted for Senators Burns and Schrade, leaders of the "Old Guard".

County Committee Nominates

The Governor is not expected to call a special election in the 64th Assembly District to fill the seat left vacant by the May death of Republican Assemblyman Patrick D. McGee. The Los Angeles County Republican Central Committee — by a three to one margin — nominated Robert C. Cline, the newly elected Chairman of the Los Angeles Community College Board of Trustees, to take McGee's place on the ballot. Cline was the Republican candidate for Congress against Representative James Corman in the 22nd District in 1964 and in 1966.

Delmar T. Oviatt, a member of the faculty at San Fernando Valley State College who served temporarily as acting president at the troubled institution, had the majority support of the 64th District Republican caucus. However, Cline, a political veteran with friends throughout the county, won the nomination handily in a secret ballot. A retired fire captain, Democrat Fred M. Ball will battle Cline in the general election in the rather conservative West San Fernando Valley district.

Cline has not yet decided whether he will remain a member of the L.A. junior college board. A colleague on the board, Edmund G. Brown, Jr., has made public his intention to remain in both posts if elected Secretary of State. Cline, leader of the board's dominant conservative faction, could easily resign and be replaced by another individual of similar views. A member of the liberal minority, Brown could expect to see his replacement, named by a majority vote of the board, join the conservative faction.

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KEY LEGISLATIVE VOTES

ASSEMBLY

92—SB 524 (Marks) would lower the age from 21 to 18 for circulating initiative petitions. Passed 42-8 on June 26 and sent back to the Senate.

93—SB 362 (Cologne) would prohibit malpractice suits more than four years after date of injury or one year after discovery of the injury, whichever occurs first. Passed 48-12 and sent back to the Senate.

94, 95, 96—AB 525 (Lanterman). The Budget Bill (see pages 184 to 186). The first conference report was refused adoption on June 29, 50-23, a two-thirds vote of 54 being required (vote 94). Biddle's request for reconsideration was declined 52-23 (vote 95). A second conference report was adopted on July 2 by a 62-15 margin (vote 96).

97—AB 2262 (Burton) would prohibit importation of any live mammal that is not domesticated and is not native to California for resale. The presence of any such mammal in a pet shop or other store is prima facie evidence against the owner. Passed 41-10 on July 6.

98—AB 1189 (Brown) makes it a misdemeanor for a landlord to withhold a rental or cleaning deposit not "reasonably necessary to remedy tenant defaults in the payment of rent, to repair damage to premises caused by the tenant." Passed 42-11.

99-ACA 40 (Briggs) would make persons who have attained the age of 18 adults for all purposes, except purchase of alcoholic beverages, including the right to vote in all elections and the responsibilities of contracts and criminal procedures (see page 189). The bill passed 58-15.

100—AJR 45 (Barnes) would request the federal government to call an election on whether the government could compete in economic areas with private companies. After a motion to re-refer the bill to committee was defeated, the bill in turn was defeated 32-34.

101—AB 2033 (Wilson) concerns landlord-tenant relations. Requires that the tenant must maintain the structure to a satisfactory level. The bill provides that mandatory arbitration will replace court proceedings in landlord-tenant disputes. The landlord may not raise the rent in response to a tenant's complaint on needed repairs. Passed 50-7.

102, 103—AB 2310 (Knox) would establish, subject to voter approval, a "Conservation and Development Agency" for the bay area. This regional agency would be an "umbrella agency": responsible for developing areawide plans and having authority to prevent local agencies from acting in a way which would be adverse to the areawide plan. The twenty appointed and the twenty elected members will adopt a "regional resources plan providing for the conservation, development, and management of the bay and shoreline; a transportation element and an element for the management of waste materials; and a regional parks and open space provision. Local agencies would be required to comply with the agency's rules. Passed 41-25 (vote 102). Biddle's bid for reconsideration granted, but a 37-18 vote against holding the bill in the Assembly followed (vote 103) and AB 2310 went to the Senate.

104, 105, 106—AB 1260 (Barnes) defines what shall be considered a representation of the United States Flag and stipulates what improper conduct is. Any illustration, picture or substance which may be interpreted as representing the flag in any part or manner shall be considered as a flag and conduct shall follow accordingly. A motion to re-refer to committee failed 26-40 (vote 104); an amendment by Burton to exclude representations of utilitarian nature such as clothing defeated 17-37 (vote 105); final passage came on a 52-9 vote (106).

107—AB 2227 (Mulford) would allow persons other than members of the precinct board to challenge voters on their qualifications to vote. The bill would delete provisions which keep the challenged person from confronting the precinct board on written challenges. The bill lost 40-33.

108—AB 368 (Bagley) would abolish appointed Inheritance Tax Appraisers. Permits appointment by executor of the estate and State Controller of persons to determine inheritance taxes due, and provides for payment directly to the State Controller of such fees. Passed 42-21.

109—ACA 38 (Foran) would authorize highway revenues for other than highway construction for the first time since 1938. Gasoline taxes could be used for construction of public transit

Y — Yes
N — No
* — Not voting

systems and control of environmental pollution caused by motor vehicles (see page 190). Passed 54-16.

110—AB 729 (Foran) is a companion bill for ACA 38 and would implement the mandate of ACA 38. Passed on the same day, 52-11.

111—AB 2435 (Milias) authorizes a coordinated state and local governmental study, planning, and control effort to insure effective solid waste management. The state will recommend practices, coordinate activities and assist local government with its primary control for the management of disposal systems. Passed 58-9.

112—AB 2199 (Briggs) imposes an excise use tax for the privilege of purchasing for resale automobile parts and accessories on auto dealers and retailers. A State Environmental Fund is created to use the funds collected from the excise tax for purchase of beaches and open space lands around metropolitan areas. An estimated $186 million is expected in three years in revenues. Passed 42-25.

113—AB 2294 (Wilson) establishes

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Republican — 40	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125
ARKLIN (41)	*	Y	Y	Y	Y	N	N	Y	Y	*	N	Y	N	N	Y	Y	Y	N	*	Y	N	*	*	N	Y	Y	Y	Y	Y	*	*	Y	Y	Y
BADHAM (71)	*	*	Y	Y	Y	N	*	N	Y	Y	N	Y	N	N	Y	Y	N	N	N	N	N	*	N	Y	N	Y	Y	N	Y	N		N	N	Y
BAGLEY (7)	Y	Y	Y	Y	Y	*	*	Y	N	*	Y	*	*	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	N	*	Y	*	Y
BARNES (78)	N	Y	Y	Y	Y	*	*	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	*	Y
BELOTTI (2)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	*	*	Y	Y	N	N	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	N	Y	Y	Y
BERRYHILL (30)	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	N	Y	N	*	N	Y	Y	N	Y	N	N	Y	Y	Y
BEVERLY (46)	Y	Y	Y	Y	Y	Y	Y	N	Y	*	*	Y	*	N	Y	Y	*	Y	Y	Y	Y	Y	N	*	Y	Y	Y	N	Y	Y	N	Y	Y	Y
BIDDLE (74)	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	N	Y	Y	Y
BRIGGS (35)	*	Y	Y	Y	Y	N	*	Y	Y	*	*	Y	*	N	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	Y	Y
BRITSCHGI (26)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	*	Y	Y	Y	N	Y	Y	*	N	Y	Y	Y	N	*	N	Y	*	Y
BURKE (70)	N	Y	Y	Y	Y	*	*	N	Y	Y	N	Y	N	N	Y	Y	Y	N	*	Y	Y	*	*	*	N	N	Y	N	Y	N	*	N	Y	Y	Y
CAMPBELL (50)	*	Y	Y	Y	Y	*	*	Y	Y	*	Y	*	N	*	Y	Y	Y	Y	Y	Y	Y	*	*	N	Y	Y	N	Y	Y	*	*	Y	*	*
CHAPPIE (6)	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	N	Y	N	N	Y	Y	Y	N	N	N	Y	N	Y	*	N	Y	N	Y	N	*	N	*	Y	Y
COLLIER (54)	*	*	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	N	Y	Y	*	N	N	Y	N	*	N	N	Y	Y	Y	N	Y	N	N	Y	Y	N
CONRAD (57)	N	Y	Y	Y	Y	*	N	N	N	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	*	Y	Y
CRANDALL (25)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	Y	N	N	Y	N	Y
DENT (10)	*	Y	Y	Y	Y	*	Y	Y	N	Y	*	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	N	N	Y	N	Y	N	N	Y	Y	Y
DUFFY (21)	*	Y	Y	Y	Y	Y	*	Y	Y	*	Y	Y	N	N	Y	Y	Y	N	N	Y	Y	*	*	*	Y	*	Y	N	Y	N	*	Y	Y	Y
HAYES (39)	*	*	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	*	*	Y	N	N	*	*	*	Y	N	*	Y	*	*	*	*	*	*	Y	Y	Y
HOM (79)	Y	Y	Y	Y	Y	Y	*	N	Y	Y	N	*	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	*	Y	*	*
JOHNSON, R. (4)	Y	Y	Y	Y	Y	*	*	Y	N	Y	*	*	*	*	Y	Y	Y	*	*	*	*	*	*	*	N	Y	Y	N	*	N	*	Y	Y	*
KETCHUM (29)	Y	Y	Y	Y	Y	N	Y	N	Y	N	N	Y	Y	N	Y	Y	N	Y	Y	N	N	N	N	N	N	Y	N	*	N	N	N	Y	Y	Y
LANTERMAN (47)	*	*	Y	Y	Y	*	*	Y	Y	Y	Y	Y	N	*	Y	Y	Y	Y	*	Y	Y	Y	*	*	Y	Y	Y	N	Y	*	N	Y	*	Y
LEWIS (73)	Y	Y	Y	Y	Y	*	N	Y	Y	Y	Y	Y	N	*	*	Y	Y	*	*	Y	Y	N	N	*	*	*	*	*	*	N	*	Y	Y	Y
MacGILLIVRAY (36)	N	Y	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	N	Y	Y	Y	N	N	Y	Y	N	N	Y	N	Y	Y	Y	*	Y	Y	Y	Y	Y
MILIAS (22)	Y	Y	Y	Y	Y	*	Y	Y	N	*	Y	*	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	*	Y	Y	Y	*	Y	N	Y
MOBLEY (33)	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	*	*	Y	Y	Y	Y	Y	Y	N	N	Y	*	*	*	*	*	*	*	Y	Y	Y
MONAGAN (12)	Y	Y	Y	Y	Y	*	*	Y	*	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	N	Y	Y	N	Y	N	N	Y	Y	Y
MOORHEAD (43)	N	Y	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	N	Y	Y	*	N	*	Y	N	N	*	N	Y	Y	Y	N	Y	*	N	Y	Y	Y
MULFORD (16)	*	*	Y	Y	Y	Y	*	Y	*	Y	N	Y	N	*	*	Y	Y	Y	Y	Y	N	Y	Y	*	Y	Y	Y	Y	Y	N	*	Y	*	*
MURPHY (31)	Y	Y	Y	Y	Y	*	N	Y	N	N	Y	Y	Y	*	Y	Y	N	Y	Y	Y	N	N	*	Y	Y	Y	N	N	Y	*	N	Y	Y	Y
PRIOLO (60)	Y	Y	Y	Y	Y	*	*	Y	N	*	N	Y	N	N	Y	Y	Y	N	*	Y	N	Y	N	N	Y	Y	Y	N	Y	Y	*	Y	Y	Y
RUSSELL (62)	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	*	*	Y	Y	N	*	Y	Y	*	*	*	*	*	*	*	*	*	*	*	Y	Y
SCHABARUM (49)	*	Y	Y	Y	Y	*	N	Y	Y	Y	*	Y	N	N	Y	Y	*	N	Y	Y	N	*	*	*	N	Y	Y	Y	Y	*	*	Y	Y	Y
STACEY (28)	Y	Y	Y	Y	Y	N	N	Y	*	Y	Y	*	N	N	Y	Y	N	Y	*	N	Y	N	Y	N	N	N	Y	Y	N	N	Y	Y	Y	N
STULL (80)	N	Y	Y	Y	Y	Y	N	N	Y	N	N	Y	N	N	Y	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	Y	N	Y	N	N	Y	Y	N
VEYSEY (75)	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	N	N	Y	Y	Y	Y	Y	Y	N	Y	*	Y	N	Y	Y	N	*	*	N	*	Y	Y
WAKEFIELD (52)	N	Y	Y	Y	Y	N	N	N	Y	Y	N	Y	N	N	Y	Y	Y	N	N	Y	N	N	Y	*	Y	N	Y	Y	N	Y	*	N	Y	Y	*
WILSON (76)	*	Y	Y	Y	Y	+	Y	Y	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	Y	*	N	Y	*	Y
WOOD (34)	*	Y	Y	Y	Y	Y	Y	Y	+	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	N	Y	*	Y	Y	Y

Democratic — 39	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125
BEE (13)	*	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	N	Y	N	N	Y	Y	Y	N	Y	Y	*	N	Y	Y	Y	N	*	Y	*	N	Y	N
BRATHWAITE (63)	Y	*	N	N	N	Y	Y	Y	N	Y	Y	N	Y	Y	*	N	N	Y	Y	Y	Y	*	*	Y	Y	N	Y	Y	Y	N	N	Y	Y	N	N	*
BROWN (18)	Y	*	N	N	N	Y	Y	Y	N	*	Y	N	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y	Y	N	N	N
BURTON (20)	Y	N	N	N	N	Y	*	Y	N	*	N	*	Y	Y	N	N	N	Y	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y	N	N	Y	Y	N	N	*
CORY (69)	*	Y	N	N	Y	*	*	Y	Y	*	Y	N	N	*	Y	N	Y	N	Y	Y	Y	*	*	Y	N	N	Y	*	Y	N	Y	*	Y	*	*	*
CROWN (14)	Y	*	N	N	N	*	Y	Y	N	Y	*	*	Y	Y	N	N	*	Y	Y	Y	N	Y	Y	*	Y	Y	Y	Y	N	Y	Y	N	N	N
CULLEN (44)	Y	Y	N	N	N	N	*	Y	Y	*	Y	*	Y	Y	*	N	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	N	Y	Y	N	N	N
DAVIS (1)	Y	Y	Y	Y	Y	Y	*	*	*	Y	N	*	N	*	Y	N	N	N	Y	Y	N	*	N	Y	Y	Y	Y	*	N	Y	Y	N	Y	Y
DEDDEH (77)	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	N	N	Y	N	N	Y	Y	N	N	*	N	Y	Y	Y	Y	N	N	Y	Y	*	N	Y
DUNLAP (5)	Y	N	N	N	N	Y	Y	Y	N	Y	N	*	Y	Y	N	N	*	Y	Y	*	Y	N	Y	*	Y	Y	Y	Y	N	Y	Y	N	N	N
FENTON (51)	*	Y	N	N	Y	Y	Y	Y	N	Y	Y	*	*	*	Y	N	Y	Y	Y	*	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	*	N	Y
FONG (15)	Y	*	N	N	N	Y	Y	Y	N	Y	N	Y	Y	Y	N	*	*	Y	Y	Y	N	Y	*	*	Y	Y	Y	Y	N	Y	N	*	*	*
FORAN (23)	Y	Y	Y	Y	Y	Y	Y	Y	N	*	Y	*	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	*	*
GARCIA (40)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Y	*	*	*	*	*	*	*	*	Y	Y	Y	Y	Y	*	*	Y	*	*	*
GONSALVES (66)	Y	Y	Y	N	Y	*	Y	Y	*	Y	Y	*	N	*	Y	N	N	Y	Y	Y	Y	*	*	*	N	Y	Y	Y	N	Y	*	Y	*	*
GREENE, B. (53)	Y	N	N	N	N	*	Y	Y	N	Y	N	Y	*	*	N	Y	*	Y	Y	N	Y	Y	Y	*	*	*	*	*	*	*	N	N	N	N
GREENE, L. (3)	Y	N	N	N	Y	Y	Y	Y	*	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y	*	N	N	N
JOHNSON, H. (58)	*	Y	N	Y	Y	Y	Y	*	N	N	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	*	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y
KARABIAN (45)	Y	N	*	N	Y	*	*	Y	Y	N	N	*	*	*	*	N	N	Y	*	*	Y	Y	Y	Y	Y	Y	*	Y	N	Y	Y	Y	Y	*
KNOX (11)	Y	*	Y	Y	Y	*	Y	Y	N	Y	N	Y	Y	*	*	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	N	Y	Y	N	N
MacDONALD (37)	Y	Y	N	Y	Y	Y	Y	Y	*	Y	Y	N	N	*	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y
McCARTHY (19)	*	*	*	N	Y	Y	Y	Y	*	Y	N	N	Y	*	*	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	*	*
MILLER (17)	Y	N	N	N	Y	Y	Y	Y	N	N	Y	Y	Y	*	*	N	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y	N	N
MORETTI (42)	Y	N	*	*	Y	Y	*	Y	N	Y	*	N	*	N	Y	N	Y	Y	Y	N	Y	Y	Y	*	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
PORTER (38)	*	*	Y	Y	Y	Y	*	*	*	*	*	*	*	N	Y	*	*	*	*	*	*	*	*	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
POWERS (8)	*	Y	N	Y	Y	Y	Y	Y	N	*	Y	N	N	N	Y	*	N	Y	Y	Y	*	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	N	N
QUIMBY (72)	*	*	N	N	N	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
RALPH (55)	*	*	N	N	N	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Y	*	N	N
ROBERTI (48)	Y	N	N	N	Y	*	Y	Y	N	Y	N	N	Y	*	Y	N	N	Y	Y	Y	N	*	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	Y
RYAN (27)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	*	N	Y	N	N	N	N	*	Y	Y	Y	Y	Y	Y	*	Y	Y	N	*	N
SIEROTY (59)	Y	N	N	N	N	Y	Y	Y	N	Y	N	Y	Y	Y	*	N	Y	Y	Y	Y	Y	Y	N	Y	*	Y	Y	*	Y	N	Y	Y	N	N
THOMAS (68)	*	*	Y	Y	Y	Y	*	Y	Y	Y	Y	*	*	N	N	Y	N	Y	N	N	Y	N	Y	N	N	Y	Y	Y	Y	N	Y	Y	*	Y	*
TOWNSEND (67)	*	Y	Y	Y	Y	N	*	*	*	Y	Y	*	*	*	N	Y	N	Y	*	*	*	*	*	*	*	N	Y	Y	Y	N	Y	Y	Y	Y	Y
UNRUH (65)	*	*	*	*	*	*	*	Y	N	*	*	*	*	*	*	*	N	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N	*	*
VASCONCELLOS (24)	Y	N	N	*	N	Y	Y	Y	N	Y	N	Y	*	*	*	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	*	Y	N	Y	Y	N	N	Y
WARREN (56)	*	*	*	N	Y	Y	Y	Y	N	Y	Y	*	Y	*	Y	N	N	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N
WAXMAN (61)	Y	N	N	N	N	Y	Y	Y	N	Y	*	Y	Y	*	*	N	N	Y	Y	Y	Y	*	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	N
Z'BERG (9)	Y	N	N	N	N	*	Y	Y	N	Y	Y	N	Y	Y	*	N	Y	Y	Y	Y	Y	*	Y	N	Y	*	Y	Y	Y	N	Y	Y	N	N
ZENOVICH (32)	*	*	N	N	N	*	Y	Y	N	*	Y	N	Y	Y	*	N	Y	Y	Y	N	Y	Y	Y	N	*	Y	Y	Y	N	Y	Y	*	N	N

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Model Cities Resources Boards to coordinate state government participation in the federal demonstration cities program. Passed 41-13.

114—AB 2345 (Knox) establishes regional environmental planning councils. Passed 41-19.

115—AB 1307 (Barnes) is an extremely complicated reform of the State Teachers Retirement System. A flat eight percent contribution rate system for teachers and a fixed $125 million state appropriation fund the program. Substantial costs for local school districts would be incurred. At present, many school districts cannot provide adequate matching funds. As an alternative, the Public Employees Retirement System has been suggested. The bill was defeated 23-24. Reconsideration was later given and AB 1307 was re-referred to committee.

116, 117—AB 79 (Schabarum) would prescribe progressively more stringent maximums for lead content in gasoline or fuel sold by retailers in California (see page 188). Amendments by Schabarum to take out Burke's amendments passed 45-25 (vote 116). Passage followed, 64-5 (vote 117).

118—ACA 2 (Monagan) provides that legislators' terms commence Monday after December 1st following election. The legislature becomes a continuous body and is in session for two continuous years. Special sessions and veto session are eliminated. Passed 61-5.

119—AB 991 (MacDonald) would require a local agency to accept bids on all public works projects generally exceeding $3,500. (see page 201). Passed 42-28.

120—AB 405 (Priolo) would return the law to its pre-1967 requirement that the polls close at 7 pm except in voting machine counties where they shall remain open until 8 pm. Presently. all polling places remain open until 8. Defeated 29-33.

121, 122—AB 393 (Unruh) requires cessation of any oil and gas operations on state lands whenever the State Lands Commission determines that such operations constitute an "ultra-hazardous activity" defined as "posing an imminent threat to the health, safety, and welfare of the public, including but not limited to substantial damage or destruction to lands and marine and coastal wildlife". Specifically bans operations within the Santa Barbara Channel after April 1, 1971. The bill was kept from passage by one vote, 40-22 (vote 121). Reconsideration was granted, but a second vote also failed, 33-27 (vote 122).

123—AB 818 (Briggs) would establish the State Powerplant Siting Committee to review and evaluate proposed sites for the location of thermal electric powerplants with an emphasis upon the integration of the plants into the ecology of the proposed site. Passed 42-21.

124—AB 1350 (Chappie) would ratify and establish a California-Nevada Interstate Water Compact. Passed 41-23.

125—AB 816 (Biddle) defines "human being" to include the human fetus for purposes of the state's murder and manslaughter laws (see *California Journal*, June 1970, page 174). Passed 42-20.

Republican	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
BRADLEY (14)	N	Y	N	*	Y	N	N	Y	N	Y	Y	*	Y	N	N	Y	N	N	N	N	N	N	N
BURGENER (38)	*	*	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y	Y
COLOGNE (36)	*	Y	Y	Y	N	*	Y	Y	N	Y	Y	Y	Y	Y	Y	*	N	Y	Y	Y	N	Y	Y
COOMBS (20)	Y	Y	Y	Y	N	N	N	N	N	Y	Y	Y	Y	*	*	Y	*	Y	Y	Y	N	Y	Y
CUSANOVICH (23)	Y	Y	Y	Y	N	*	Y	N	N	Y	Y	Y	Y	*	*	Y	*	N	Y	*	Y	Y	Y
DEUKMEJIAN (37)	*	Y	Y	*	N	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	Y	N	N	Y	Y
DOLWIG (12)	*	*	Y	*	*	*	*	*	N	Y	*	*	*	*	*	*	*	*	Y	N	Y	Y	Y
GRUNSKY (17)	*	Y	Y	N	Y	*	Y	Y	N	Y	Y	Y	Y	*	*	Y	N	N	Y	Y	N	Y	Y
HARMER (21)	Y	*	N	*	N	N	Y	N	N	Y	Y	Y	Y	N	*	Y	N	N	Y	N	N	N	Y
LAGOMARSINO (24)	*	Y	Y	Y	N	*	Y	*	N	Y	Y	Y	Y	*	*	Y	N	Y	Y	*	*	Y	Y
MARKS (9)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	N	Y	Y	Y	Y
MARLER (2)	Y	Y	Y	N	Y	*	*	Y	N	Y	Y	Y	Y	*	*	Y	N	N	Y	N	Y	Y	Y
McCARTHY (4)	*	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	N	Y	Y	Y
NEJEDLY (7)	*	Y	Y	*	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	N	Y	Y
RICHARDSON (19)	N	Y	N	Y	N	N	N	*	N	Y	Y	Y	Y	N	*	*	N	*	Y	N	N	N	Y
SCHMITZ (34)	*	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
SCHRADE (39)	Y	Y	Y	*	N	*	Y	Y	N	Y	Y	*	Y	Y	Y	Y	*	Y	*	*	*	Y	Y
SHERMAN (8)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y
STEVENS (25)	*	Y	Y	*	N	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	*	N	*	Y	N	Y	Y
WAY (15)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	*	Y	N	Y	Y	Y	*	Y	Y
WHETMORE (35)	*	Y	N	Y	N	N	N	Y	N	Y	Y	*	Y	Y	Y	Y	N	N	Y	N	Y	Y	Y

Democratic	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
ALQUIST (13)	*	N	Y	*	Y	Y	Y	Y	Y	N	N	Y	N	Y	Y	N	Y	*	*	Y	Y	N	N
BEILENSON (26)	Y	*	*	*	N	Y	Y	*	Y	N	N	Y	N	*	*	*	Y	Y	*	Y	Y	N	N
BURNS (16)	Y	Y	Y	*	Y	N	N	N	N	Y	Y	*	Y	Y	Y	Y	*	Y	*	N	*	Y	Y
CARRELL (22)	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y		Y	Y	Y
COLLIER (1)	Y	Y	Y	N	Y	Y	N	*	N	N	N	*	*	*	*	Y	Y	N	N	N	Y	N	N
DANIELSON (27)	*	*	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	*	Y
DILLS (32)	*	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y
DYMALLY (29)	*	*	Y	Y	N	Y	Y	Y	Y	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N	N
KENNICK (33)	*	Y	Y	*	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y
MILLS (40)	Y	N	Y	Y	N	*	Y	*	Y	N	N	Y	N	Y	Y	*	Y	Y	*		N	N	N
MOSCONE (10)	Y	N	Y	N	Y	Y	Y	Y	Y	N	N	Y	N	*	*	N	Y	Y	N	Y	Y	N	N
PETRIS (11)	Y	N	Y	*	Y	Y	Y	Y	Y	N	N	Y	*	*	*	N	*	Y	Y	Y	Y	N	N
RODDA (5)	Y	N	Y	N	Y	Y	Y	Y	Y	N	N	Y	N	Y	*	*	Y	Y	Y	Y	N	N	N
SHORT (6)	Y	N	Y	N	Y	Y	*	Y	*	N	N	*	N	Y	Y	N	Y	Y	*	Y	Y	*	N
SONG (28)	Y	N	Y	Y	N	Y	*	*	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
STIERN (18)	Y	Y	Y	Y	N	*	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	N	*	Y	N	N	N
TEALE (3)	*	N	Y	*	Y	Y	Y	*	N	N	N	Y	N	Y	Y	N	Y	N	Y		Y	N	N
WALSH (30)	Y	Y	Y	Y	N	Y	Y	N	N	N	N	*	Y	Y	*	*	*	Y	*	N		Y	Y
WEDWORTH (31)	Y	*	Y	*	N	*	N	*	N	N	N	*	N	Y	Y	Y	Y	N	Y	Y	Y	N	N

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SENATE

53—SB 572 (Moscone) makes it unlawful to offer a gift or prize by mail or telephone with the intent to make a sales presentation without disclosing such intent clearly (see *California Journal*, June 1970, page 162). Passed 21-2.

54—SCA 23 (Richardson) reduces Regents appointments beginning January 1, 1971, to ten years from sixteen. The Senate must give a two-thirds approval to appointments. The President pro Tempore of the Senate would replace the president of the Mechanics Institute on the Board. Failed to gain a two-thirds vote, 25-8.

55—AB 318 (Duffy). The Senate approved the conference report to establish a statewide program to provide nutritious meals at school for AFDC children and where there are no lunch programs, to either contract for meals or to approve demonstration projects which examine alternative means of providing means. Appropriates $6 million of state funds together with specified federal funds (see *California Journal*, January 1970, page 12). Passed 33-4.

56, 57 — SB 38 (Walsh) would change the split of State Highway Fund construction money between northern and southern California from 45-55 to 40-60 percent. Passed 22-16. Reconsideration (vote 57) failed 16-22.

58—SB 497 (Beilenson) redefines statutory rape as unlawful sexual intercourse without changing the penalty in an attempt to reduce the social stigma attached to the term. Passed 21-6.

59—SCA 18 (Mills) authorizes highway revenues for control of environmental pollution and for capital expenditures to facilitate public mass transit systems and payment of bonds for transit systems. (see page 190). Passed 28-7.

60—SJR 35 (Marks) requests all federal agencies to cooperate with the San Francisco Bay Conservation and Development Commission by submitting any plans for projects that would affect the bay or the shoreline within the jurisdiction of the commission to the same review by the commission that would be required by any other similar project within the jurisdiction of the commission. Passed 24-6.

61—SCA 13 (Petris) would authorize the Legislature to use fuel tax revenues in an amount not to exceed one cent per gallon to combat air pollution and for the development and operation of mass public transit systems, rather than requiring that all such revenues be used exclusively and directly for highway and certain bonding purposes (see page 190). Defeated 17-20.

62, 63, 64, 65—AB 525 (Lanterman). The Budget Bill (see pages 184 to 186). The first conference report was refused adoption on June 30th, 25-14 (vote 62), with 27 votes needed for passage. A second conference report was also defeated, 25-13 (vote 63). Reconsideration was gained on July 2, 29-0 (vote 64). On July 4th, the second conference report was adopted, 27-9 (vote 65).

66—SB 436 (Song) assumes that an implied warranty exists with the sale of merchandise unless otherwise stated (see *California Journal*, June 1970, page 162). Passed 22-5.

67—SJR 26 (Dymally) memorialized Congress to enact Senate Joint Resolution No. 61 of the 91st Congress that provides, "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

68-Lucian Vandegrift's appointment to head the Human Relations Agency received the Senate's approval, 21-7.

69—SJR 11 (Dymally) requests the federal government restore all land promised or set aside in former years for the use of native California Indians. Defeated, 17-11.

70—SB 252 (Carrell) would create a South Coast and Southeast Desert Air Pollution Control District and would specify that the most strict current county district rules and regulations would be superimposed on the whole regional district. County districts would remain but would enforce the stricter rules of the regional districts. Passed 24-11.

71—AB 122 (Ryan) enacts the Teacher Preparation and Licensing Law of 1970. Transfers administration of credentialing from State Board of Education to newly created Commission.

72—SB 66 (Petris) would prohibit using any engine manufactured after January 1, 1975 which discharges any pollutant into the atmosphere. Passed 22-1.

73—AB 1028 (Brown) permits 18-to-21-year-olds to be employed as musicians in premises serving alcoholic beverages but restricting alcohol from the immediate working area of the musicians. Passed 22-12.

74—AB 1000 (Bagley) is the Governor's tax package. (see *California Journal*, Feb. 1970, pages 45-46). Passed 23-14.

75—AB 1001 (Bagley) the second part of the Governor's tax package. An urgency clause failed to gain the required two-third margin, 26-13.

Governor Ronald Reagan at a preview ceremony for a new airliner explained why politicians were at such a ceremony:

"It is not odd that we should be here; aviation and politics have a lot in common. There are people in our business who have not had their feet on the ground in years."

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The hottest places in hell are reserved for those who, in a time of great moral crisis, maintain their neutrality.

– Dante

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